

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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No. 15] NEW DELHI, SATURDAY, APRIL 12, 1969/CHAITRA 22, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 28 मार्च, 1969 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 28th March, 1969:—

Issue No.	No. and Date	Issued by	Subject
95	S.O. 1149, dated 18th March, 1969.	Election Commission of India.	Bye-election to the Council of States by the elected members of Madhya Pradesh Legislative Assembly.
	एस० ओ० 1150, दिनांक 18 मार्च, 1969।	भारत निर्वाचन आयोग।	मध्य प्रदेश विधान सभा के निर्वाचित सदस्यों द्वारा राज्य सभा के लिये उप-निर्वाचन।
96	S.O. 1151, dated 19th March, 1969.	Ministry of Foreign Trade and Supply.	Quality control and pre-shipment inspection of light engineering products.
97	S.O. 1152, dated 19th March, 1969.	Ministry of Finance.	Amendment in the Annuity Deposit Scheme, 1964.
	S.O. 1153, dated 19th March, 1969.	Do.	Amendment in the Annuity Deposit Scheme, 1966.
98	S.O. 1154, dated 19th March, 1969.	Ministry of Home Affairs.	Fixation of place or places at which Civil Court is to be held.

Issue No.	No. and Date	Issued by	Subject
99	S.O. 1155, dated 19th March, 1969.	Ministry of Labour, Employment and Rehabilitation.	Referring an industrial dispute existing between the employers in relation to the management of Messrs Timblo (Private) Limited, Margao and their workmen for adjudication to the Industrial Tribunal (No. 2), Bombay.
	S.O. 1156, dated 19th March, 1969.	Do.	Prohibiting the continuance of strike by the workmen of Messrs Timblo (Private) Limited, Margao.
100	S.O. 1157, dated 19th March, 1969.	Ministry of Food, Agriculture, Community Development and Cooperation.	Substitution of dates.
101	S.O. 1158, dated 20th March, 1969.	Ministry of Home Affairs.	Extending the period of tenure of Commission of Inquiry to make its report upto 31st May, 1969.
102	S.O. 1159, dated 20th March, 1969.	Ministry of Labour, Employment and Rehabilitation.	Referring an industrial disputes existing between the employer in relation to the management of Messrs Paragurag Timblo Industries, Margao and their workmen for adjudication to the Industrial Tribunal (No. 2), Bombay.
	S.O. 1160, dated 20th March, 1969.	Do.	Prohibiting the continuance of the strike by the workmen of Messrs Pandurang Timblo Industries, Margao.
103	S.O. 1161, dated 21st March, 1969.	Ministry of Finance.	Amendment in the Annuity Deposit Scheme, 1966.
104	S.O. 1162, dated 21st March, 1969.	Election Commission of India.	Bye-election to the Council of States by the elected Members of the Punjab Legislative Assembly.
	एस० एन० 1163, दिनांक 21 मार्च, 1969 ।	भारत निर्वाचन आयोग ।	पंजाब विधान सभा के निर्वाचित सदस्यों द्वारा राज्य सभा के लिए उप-निर्वाचन ।
105	S.O. 1164, dated 21st March, 1969.	Election Commission of India.	Bye-election to the Council of States by the elected Members of the Punjab Legislative Assembly.

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 1165, दिनांक 21 मार्च, 1969 ।	भारत निर्वाचन आयोग	पंजाब विधान सभा के निर्वाचित सदस्यों द्वारा राज सभा के लिए उप-निर्वाचन ।
106	S.O. 1225, dated 22nd March, 1969.	Ministry of Food, Agriculture, Community Development and Cooperation.	Fixation of maximum prices at which vegetable oil products to be sold in various Zones.
107	S.O. 1226, dated 25th March, 1969.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
	एस० ओ० 1227, दिनांक 25 मार्च, 1969 ।	सूचना तथा प्रसारण मंत्रालय	अनुसूची में दी गयी फिल्म की स्वीकृति देना ।
108	S.O. 1228, dated 25th March, 1969.	Ministry of Law.	Bye-election to the Council of States by the elected members of Legislative Assembly of Madhya Pradesh.
109	S.O. 1229, dated 25th March, 1969.	Central Board of Direct Taxes.	Corrigendum to S.O. 624, dated 14th February, 1969.
110	S.O. 1230, dated 28th March, 1969.	Ministry of Foreign Trade and Supply.	Further amendment to the Exports (Control) Order, 1968.
111	S.O. 1231, dated 28th March, 1969.	Ministry of Labour, Employment and Rehabilitation.	Transfer of monthly provident fund contributions to the Board of Trustees.
	S.O. 1232, dated 28th March, 1969.	Do.	Accumulations out of provident fund contributions, interest and other receipts as reduced by obligatory outgoings.
112	S.O. 1233, dated 28th March, 1969.	Do.	Appointing the 30th day of March, 1969 as the date on which certain provisions of chapter IV and Chapters V and VI of the Employees State Insurance Act, 1948 shall come into force in the areas in the State of Maharashtra mentioned therein.
	S.O. 1234, dated 28th March, 1969.	Do.	Appointing the 30th day of March, 1969 as the date on which certain provisions of Chapter IV and Chapters V and VI of the Employees State Insurance Act, 1948 shall come into force in the areas in the state of Gujarat mentioned therein.

Issue No.	No. and Date	Issued by	Subject
113	S.O. 1235, dated 28th March, 1969.	Ministry of Law.	Bye-election to the Council of States by the elected members of the Punjab Legislative Assembly.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 26th March 1969

S.O. 1325.—Whereas in the Notification of the Government of India in the Cabinet Secretariat, Department of Statistics No. S.O. 4471, dated the 6th December, 1968, the Central Government appointed Shri Jagdish Prasad, Deputy Director, National Sample Survey, holding additional charge of current duties of the post of the Chief Director, National Sample Survey, to be the statistics authority under section 4 of the Collection of Statistics Act, 1953 (32 of 1953), for the purpose of collecting statistics relating to matters referred to in the Notification of the Government of India in the Cabinet Secretariat No. S.O. 462, dated the 18th February, 1960;

And, whereas, Dr. N. T. Mathew has assumed charge of the post of the Chief Director, National Sample Survey, in the forenoon of the 7th March, 1969 and Shri Jagdish Prasad has relinquished the additional charge of current duties of the post of the Chief Director, National Sample Survey;

Now, therefore, in exercise of the powers conferred by section 4 of the Collection of Statistics Act, 1953 (32 of 1953) the Central Government hereby rescinds the said Notification No. S.O. 4471, dated the 6th December, 1968 and appoints the Chief Director, National Sample Survey, to be the statistics authority for the purpose of collecting statistics relating to the matters referred to in the said Notification No. S.O. 462, dated the 18th February, 1960.

[No. 16/9/68-Estt.II.]

P. P. CAPRIHAN, Dy. Secy.

(संजीमंडल सचिवालय)

सांख्यिकी विभाग

नई दिल्ली, 16 मार्च 1969

एन० ओ० 1326.—चूँकि भारत सरकार, मंत्रिमंडल सचिवालय के अधिसूचना संख्या सां० आ० 4471 दिनांक 6 दिसम्बर 1968 में भारत सरकार, मंत्रिमंडल सचिवालय की अधिसूचना संख्या सां० आ० 462 दिनांक 18 फरवरी 1960 से सम्बद्ध विषयों में आंकड़ा-संग्रह के उद्देश्यों से केन्द्रीय सरकार ने राष्ट्रीय नमूना सर्वेक्षण के मुख्य निदेशक पद के वर्तमान कार्यों के अतिरिक्त कार्यभार संभालने वाले राष्ट्रीय नमूना सर्वेक्षण के उप निदेशक श्री जगदीश प्रसाद को आंकड़ा-संग्रह अधिनियम, 1953 (1953 के 32) की धारा 4 के अन्तर्गत आंकड़ा प्राधिकारी नियुक्त किया था ;

और चूँकि डा० एन० टी० मंयून ने दिनांक 7 मार्च, 1969 के पूर्वानुमान से राष्ट्रीय नमूना सर्वेक्षण के मुख्य निदेशक पद का कार्यभार संभाल लिया है और श्री जगदीश प्रसाद ने राष्ट्रीय नमूना सर्वेक्षण के मुख्य निदेशक पद के वर्तमान कार्यों का अतिरिक्त कार्यभार छोड़ दिया है ;

इसलिए अब आंकड़ा संग्रह अधिनियम, 1953 की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिसूचना संख्या सां० आ० 4471 दिनांक 6 दिसम्बर 1968 को विरुद्धित (संसूच) करती है और उक्त अधिसूचना संख्या सां० आ० 462, दिनांक 18 फरवरी 1960 में संशोधित विषयों में आंकड़ा संग्रह के उद्देश्यों से राष्ट्रीय नमूना सर्वेक्षण के मुख्य निदेशक को आंकड़ा प्राधिकारी नियुक्त करती है ।

[सं० 16/9/68-सिखबंदी-2]

पी० पी० कैपरीहन, उप सचिव ।

गृह मंत्रालय

नई दिल्ली, 18 मार्च 1969

एस० ओ० 1327.—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति, मणिपुर कर्मचारी (बेतन पुनरीक्षण) नियम, 1966 में और आगे संशोधन करने के लिये निम्नलिखित नियम बनाते हैं ।

2. ये नियम मणिपुर कर्मचारी (बेतन पुनरीक्षण) संशोधन नियम, 1968 कहे जा सकेंगे ।
3. मणिपुर कर्मचारी (बेतन पुनरीक्षण) नियम, 1966 की अनुसूची में :—

“सामुदायिक विकास विभाग” के शीर्षक के अन्तर्गत क्रमशः खाना 1, 2, 3 और 4 के अधीन निम्नलिखित प्रविष्टियाँ अंतर्गर्भ की जायेंगी :

30. सहायक विकास	250-25-300-30-	350-30-500-ई०बी०-
आयुक्त ।	450-ई०बी०-30-600-	30-650-ई०बी०-35-
	ई०बी०-35-800 रुपये	1000 रुपये ।

[संख्या 1/16/65-एच० एम० टी०.]

नई दिल्ली, 31 मार्च 1969

एन० ओ० 1328.—संविधान के अनुच्छेद 309 के उपबंध द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, राष्ट्रपति "त्रिपुरा कर्मचारी (वेतन व भत्तों का पुनरीक्षण) नियम, 1963" में श्रीर आगे संशोधन करने के लिए एतद् द्वारा निम्नलिखित नियम बनाने हैं, नामतः

1. ये नियम त्रिपुरा कर्मचारी (वेतन व भत्तों का पुनरीक्षण) प्रथम संशोधन नियम 1969 कहे जायेंगे।
2. त्रिपुरा कर्मचारी (वेतन व भत्तों का पुनरीक्षण) नियम, 1963 की अनुसूची के भाग 1 में—
 - (i) "सांख्यिकीय विभाग" शीर्षक के अंतर्गत मद संख्या 1 के सामने दी हुई इंदराजें हटा दी जायेंगी।
 - (ii) "पंचायती राज कार्यालय" शीर्षक के अंतर्गत मद संख्या 1 के सामने खाना 2 में आने वाले "सहायक पंचायत अधिकारी" शब्दों को "जिला पंचायत अधिकारी" शब्दों द्वारा प्रतिस्थापित किया जायगा।

[संख्या 2/17/67 एच० एम० टी०.]

आर० सी० गुप्ता, प्रवर सचिव।

MINISTRY OF HOME AFFAIRS

New Delhi, the 31st March 1969

S.O. 1329.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the "Tripura Employees (Revision of Pay and Allowances) Rules, 1963" namely:—

1. These rules may be called the "Tripura Employees (Revision of Pay and Allowances) First Amendment Rules, 1969".
2. In the part 1 of Schedule to the Tripura Employees (Revision of Pay and Allowances) Rules, 1963,—
 - (i) Under the heading "Statistical Department" entries against item No. 1 shall be deleted.
 - (ii) Under the heading "Panchayat Raj Office" the words "Assistant Panchayat Officer" occurring in column 2 against item No. 1 shall be substituted by the words "District Panchayat Officer."

[No. F. 2/17/67-HMT.]

R. C. GUPTA, Under Secy.

New Delhi, the 31st March, 1969

S.O. 1330.—In pursuance of clause (2) of paragraph 2 of the Foreigners Order, 1948, the Central Government hereby appoints the Regional Registration Officer, Madras, to be the Civil Authority for the purposes of the said Order, for the city of Madras and the Meenambakkam Airport area.

[No. 6/112/68-(i)-F.I.]

S.O. 1331.—In pursuance of sub-rule (1) of rule 3 of the Registration of Foreigners Rules, 1939, the Central Government hereby appoints the Regional Registration Officer, Madras, to be the Registration Officer for the purposes of the said rules for the City of Madras.

[No. 6/112/68-(ii)-F.I.]

J. C. AGARWAL, Jt. Secy.

ORDER

New Delhi, the 2nd April 1969

S.O. 1332.—In pursuance of the proviso to rule 8 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. 22/4/53-AN, dated the 24th October, 1953, the President hereby directs that all appointments to Central Civil Services, Class I, and Central Civil Posts, Class I, under the Andaman and Nicobar Islands Administration, shall be made by the Administrator of the Union territory of Andaman and Nicobar Islands:

Provided that no appointment to the post of Chief Development-cum-Rehabilitation Commissioner, Chief Secretary, Development Commissioner-cum-Development Secretary, Secretary (Finance) to the Chief Commissioner, Deputy Commissioner, Additional Deputy Commissioner, Car Nicobar, Superintendent of Police, Chief Conservator of Forests or Conservator of Forests shall be made except with the previous approval of the Central Government.

[No. 4/85/68-ANL.]

A. D. PANDE, Jt. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 24th March 1969

S.O. 1333.—In exercise of the powers conferred by the proviso to article 309 and clause 5 of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor-General of India in respect of persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely:

1. (1) These Rules may be called the Contributory Provident Fund Amendment Rules (India), 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund Rules (India), 1962, for rule 36, the following rule shall be substituted, namely:—

***36. Deductions.**—Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rules 11 and 12, before the amount standing to the credit of the subscriber in the Fund is paid out of the Fund,—

(A) the President may direct the deduction therefrom and payment to Government of—

(i) all amounts representing such contribution and interest, if the subscriber is dismissed from service due to misconduct, insolvency or inefficiency:

Provided that where the President is satisfied that such deduction would cause exceptional hardship to the subscriber, he may, by order, exempt from such deduction an amount not exceeding two-third of the amount of such contribution and interest which would have been payable to the subscriber, if he had retired on medical grounds:

Provided further that if any such order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service be replaced to his credit in the Fund;

(ii) all amounts representing such contribution and interest, if the subscriber within five years of the commencement of his service as such, resigns from the service or ceases to be an employee

under Government otherwise than by reason of death, superannuation, or a declaration by a competent medical authority or he is unfit for further service, or the abolition of the post or the reduction of establishment;

- (B) the President may direct the deduction therefrom and payment to the Government of any amount due under a liability incurred by a subscriber to Government.

NOTE 1.—For the purpose of sub-clause (ii) of clause (A) of this rule—

- (a) the period of five years shall be reckoned from the commencement of the subscriber's continuous service under Government;
- (b) resignation from service in order to take up appointment in another department of the Central Government or under the State Government or under a body corporate owned or controlled by Government or an autonomous organisation, registered under the Societies Registration Act, 1860 (21 of 1860), without any break and with proper permission of the Central Government, shall not be treated as resignation from Government service.

NOTE 2.—The powers of the President under this rule may, in respect of the amounts referred to therein also be exercised by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (2) of rule 13."

[No. F. 37(1)-EV/69.]

N. S. CHANDRAMOWLISARAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 28th March 1969

S.O. 1334.—Statement of the Affairs of the Reserve Bank of India, as on the 21st March, 1969

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital Paid up	5,00,00,000	Notes	40,17,40,000
		Rupee Coin	3,10,000
Reserve Fund	150,00,00,000	Small Coin	7,49,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	142,42,41,000
National Agricultural Credit (Stabilisation) Fund	32,00,00,000	Balances Held Abroad*	110,73,89,000
		Investments**	101,31,66,000
National Industrial Credit (Long Term Operations) Fund	55,00,00,000	Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments†	113,86,00,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	238,63,21,000
		(ii) State Co-operative Banks††	236,33,05,000
		(iii) Others	3,04,20,000
(i) Central Government	94,54,10,000		

LIABILITIES		ASSETS	
	Rs.		Rs.
(i) State Governments	16,09,58,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(b) Banks:—		(a) Loans and Advances to :—	
(i) Scheduled Commercial Banks	145,41,34,000	(i) State Governments	30,74,62,000
(ii) Scheduled State Co-operative Banks	8,36,51,000	(ii) State Co-operative Banks	13,19,68,000
(iii) Non-Scheduled State Co-operative Banks	53,63,000	(iii) Central Land Mortgage Banks	
(iv) Other Banks	17,24,000	(b) Investment in Central Land Mortgage Bank Debentures	8,58,95,000
(c) Others	289,12,22,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
Bills Payable	47,92,28,000	Loans and Advances to State Co-operative Banks	4,99,83,000
Other Liabilities	104,81,84,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	42,56,54,000
	Rupees 1092,98,74,000		Rupees 1092,98,74,000

*Includes Cash, Fixed Deposits and Short-Term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 187,87,47,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 26th day of March, 1969,

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 21st day of March, 1969

ISSUE DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Notes held in the Banking Department	40,17,40,000	Gold Coin and Bullion :—	
Notes in circulation	3495,27,50,000	(a) Held in India	182,53,11,000
		(b) Held outside India . . . . .	..
TOTAL NOTES ISSUED	3535,44,90,000	Foreign Securities	196,42,00,000
		TOTAL	378,95,11,000
		Rupee Coin	75,01,81,000
		Government of India Rupee Securities	3081,47,98,000
		Internal Bills of Exchange and other Commercial paper . . . . .	..
TOTAL LIABILITIES	3535,44,90,000	TOTAL ASSETS	3535,44,90,000

Dated the 26th day of March, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 2nd April 1969

S.O. 1335.—Statement of the Affairs of the Reserve Bank of India, as on the 28th March 1969

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid-up	5,00,00,000	Notes	39,53,11,000
Reserve Fund	150,00,00,000	Rupee Coin	3,74,000
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	Small Coin	7,69,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
National Industrial Credit (Long-Term Operations) Fund	55,00,00,000	(c) Government Treasury Bills	170,58,48,000
		Balances held Abroad*	1,03,37,25,000
		Investments**	265,48,31,000
Deposits :—		Loans and advances to :—	
(a) Government		(i) Central Government . . . . .	..
(i) Central Government	59,90,72,000	(ii) State Governments@	120,85,83,000

(#) State Governments	18,12,26,000	Loans and Advances to :—	
(b) Banks		(i) Scheduled Commercial Banks†	105,64,98,000
(i) Scheduled Commercial Banks	186 43,43,000	(ii) State Co-operative Banks††	228,44,63,000
(ii) Scheduled State Co-operative Banks	6,88,12,000	(iii) Others	2,46,40,000
(iii) Non-Scheduled State Co-operative Banks	52,34,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(iv) Other Banks	46,24,000	(a) Loans and Advances to :—	
(c) Others	297,04,90,000	(i) State Governments	30,96,06,000
Bills Payable	60,51,60,000	(ii) State Co-operative Banks	13,14,33,000
Other Liabilities	125,39,36,000	(iii) Central Land Mortgage Banks . . . . .	..
		(b) Investment in Central Land Mortgage Bank Debentures	8,58,95,000
		Loans & Advances from National Agricultural Credit (Stabilisation) Fund—	
		Loans and Advances to State Co-operative Banks	4,96,63,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/Debentures issued by the Development Bank . . . . .	..
		Other Assets	40,85,87,000
Rupees	1141,28,97,000	Rupees	1141,28,97,000

* Includes Cash, Fixed Deposits and Short-term Securities.

** Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 43,49,87,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 2nd day of April, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 28th day of April 1969
ISSUE DEPARTMENT

LIABILITIES		ASSETS			
	Rs.	Rs.		Rs.	Rs.
Notes held in the Banking Department	39,53,11,000		Gold Coin and Bullion :—		
			(a) Held in India	182,53,11,000	
			(b) Held outside India	..	
			Foreign Securities	216,42,00,000	
Notes in circulation	<u>3496,67,05,000</u>		TOTAL		398,95,11,000
			Rupee Coin		75,76,83,000
Total Notes issued		3536,20,16,000	Government of India Rupee Securities		3061,48,22,000
			Internal Bills of Exchange and other Commercial Paper		..
Total Liabilities		<u>3536,20,16,000</u>	Total Assets		<u>3536,20,16,000</u>

Dated the 2nd day of April 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

S.O. 1336—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clauses (i), and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply till the 1st February, 1970 to the National and Grindlays Bank Ltd., Calcutta, in so far as the said provisions prohibit Mr. W. M. Bennett, its Chief Manager in India (Chief Executive Officer) from being the Director of the Agricultural Finance Corporation Ltd., which is a company registered under the Companies Act, 1956 (1 of 1956).

[No. F. 15(29)-BC/68.]

New Delhi, the 5th April 1969

S.O. 1337—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Sahukara Bank Ltd., Ludhiana, in respect of the property held by it at Banga, Jullundur District, Punjab, till the 15th March, 1970.

[No. 15(16)-BC/68.]

K. YESURATNAM, Under Secy.

(Department of Economic Affairs)

New Delhi, the 31st March 1969

S.O. 1338—In pursuance of clause (a) of sub-section (1) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby appoints Shri R. K. Talwar, Managing Director of the State Bank of India as Chairman of the State Bank of India for a term of five years with effect from the 1st March, 1969.

[No. F. 8/28/69-SB.]

D. N. GHOSH, Dy. Secy.

(Department of Revenue and Insurance)

ERRATUM

INCOME-TAX ESTABLISHMENTS

New Delhi, the 12th March 1969

S.O. 1339—In Col. No. 3 against S. No. 7 of the Ministry of Finance (Department of Revenue and Insurance) Notification/Income-tax Establishments No. 63 (No. F. 57/26/68-Ad.VI, dated the 6th February, 1969) published in S.O. 63 in the Gazette of India Part II, Section 3 Sub-section (ii), please read J.A.R., I.T.A.T., C-chin for I.T.A.T., Calcutta.

[No. 98.]

M. G. THOMAS, Under Secy.

COLLECTORATE OF CENTRAL EXCISE: WEST BENGAL: CALCUTTA

CENTRAL EXCISE

Calcutta, the 15th March 1969

S.O. 1340—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the Central Excise Officers of and above the rank of "Assistant Collector" of Central Excise to exercise within their respective jurisdiction the powers of the "Collector" under sub-rule (4) of Rule 56A of the Central Excise Rules, 1944.

Notification No. 5/1968(CE) dated 5-9-1968 issued by this Collectorate is hereby rescinded.

[No. 8/69.]

D. R. KOHLI, Collector.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 5th April 1969

S.O. 1341.—In the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) Order No. S.O. 680/IDRA, dated the 8th February, 1968, published in the Gazette of India dated the 24th February, 1968, the following amendments may be carried out.

For

6. Shri Bipin Mehta,
Maize Products Ltd.,
P.O. Maize Products,
Kathwada, Ahmedabad.
16. Shri S. V. Rathnam,
M/s. Jivanlal Sons & Rathnam,
99, Marine Drive, Bombay.
18. Shri V. S. Thyagaraja Mudaliar,
South India Rice Millers
Association, 55/A, Peters Road,
Madras.
22. Dr. Y. K. Subramaniam,
Secretary,
Central Committee for Food
Standards,
Ministry of Health & Family
Planning, New Delhi.

Read

6. Shri T. V. Ramanujam,
Maize Products Ltd.,
P.O. Maize Products,
Kathwada, Ahmedabad.
16. Shri M. V. S. Rathnam,
"Niranjan", 6th Floor,
99, Marine Drive, Bombay-2.
18. Shri V. S. Tyagarajan Mudaliar,
President,
Tanjore Cooperative Marketing
& Federation, 55/A/1, Peters
Road, Madras-6.
22. Dr. Kalyan Bagchi,
Asstt. Director General of
Health Services,
Ministry of Health & Family
Planning, New Delhi.

[No. 1(64)/66-LI(I).]

A. P. SARWAN, Dy. Secy.

(Department of Industrial Development)

CORRIGENDUM

New Delhi, the 3rd April 1969

S.O. 1342.—In this Ministry's Order No. S.O. IDRA/6/5/68, dated the 5th July, 1968, published in Part II, Section 3, Sub-section (ii), of the Gazette of India dated the 13th July, 1968, under which Development Council for Organic Chemical Industries was reconstituted:—

For "16. Shri S. L. Venkateswaran, Chief Project Officer, The Mysore Acetate and Chemical Company Ltd., Mysugar Building, Shri Jayachamaraja Wadiyar Road, Bombay-2."

Read "16. Shri S. L. Venkateswaran, Chief Project Officer, The Mysore Acetate and Chemical Company Ltd., Mysugar Building, Shri Jayachamaraja Wadiyar Road, Bangalore."

[No. 2(4)/Dev. Council/67-L.C.]

R. C. SETHI, Under Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

COFFEE CONTROL

New Delhi, the 24th March 1969

S.O. 1343.—In pursuance of clause (a) of sub-section (2) of section 4 of the Coffee Act, 1942 (7 of 1942), the Central Government hereby appoints Shri G. Mathias as Chairman of the Coffee Board for a further period from the forenoon of the 15th November, 1968, upto the 14th November, 1969. The appointment from 15th November, 1968 would be on re-employment basis.

[No. 9(12)Plant(B)/67.]

M. L. GUPTA, Under Secy.

New Delhi, the 31st March 1969

S.O. 1344.—In pursuance of rule 6 of the Export of Fish and Fish Products (Inspection) Rules, 1964, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 774, dated the 6th March, 1965, namely:—

In the said notification, under the first paragraph, for serial No. (6) and entries relating thereto the following shall be substituted, namely:—

“(6) The President, Seaford Exporters Association of India, Cochin; and”

[No. F. 60(2)/67-Exp.Insp.]

S.O. 1345.—In pursuance of rule 6 of the Export of Frog Legs (Inspection) Rules, 1965, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 492, dated the 11th February, 1966, namely:—

In the said notification, under the first paragraph, for serial No. (6) and entries relating thereto the following shall be substituted, namely:—

“(6) The President, Seaford Exporters Association of India, Cochin; and”

[No. F. 60(39)/67-Exp.Insp.]

M. K. B. BHATNAGAR,
Deputy Director (Export Promotion)

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 14th March 1969

S.O. 1346.—M/s. The State Trading Corporation of India Ltd., New Delhi were granted licence No. G/ST/2378454 dt. 4th October, 1967 from Rupee Payment Area and Letter of Authority in favour of M/s. Indian Engg. & Commercial Corpn. Pvt. Ltd., for import of Tyres & Tubes for Russian Tractors valued Rs. 75000/-. They have requested for the issue of duplicate Customs Purposes Copy of the licence on the ground that the original Customs Copy of the licence has been lost by them. It has been further reported by the licensee that the licence has been lost without having been registered with any customs authority and utilised at all.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Customs Purposes Copy of the licence No. G/ST/2378454 dt. 4th October, 1967 has been lost and directs that a duplicate Customs Copy of the said licence should be issued to them. The original Customs Purposes Copy is cancelled.

The duplicate Customs Copy of the licence is being issued separately.

[No. STC/USSR-7/67-68/R.M.Cell/2264.]

T. M. B. NEDUNGADI,
Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 31st March 1969

S.O. 1347.—M/s. Zaloni Club, Duliapan, P.O., Assam were granted an import licence No. P/A/1297986/C/XX/28/H/27-28 dated 3-8-68 for Rs. 500/- (Rupees five hundred only) for the import of golf balls. They applied for the issue of a duplicate customs purpose copy of the said licence on the ground that the original customs purpose copy has been lost/misplaced. It is further stated that the licence (customs purpose copy) was not registered with any customs authority at ports and was not utilized at all.

In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original customs purpose copy of the said licence has been lost/misplaced. Therefore, in exercise of the powers conferred under Sub-clause 8 (CC) of Import (Control) Order 1955 dated 7-12-1955 as amended, the said original customs purpose copy of the said licence No. P/A/1297986/C/XX/28/H/27-28 dated 3-8-1968 issued to M/s. Zaloni Golf Club, Assam is hereby cancelled.

A duplicate customs purpose copy of the said licence is being issued to the licensee separately.

[No. F. 56/Club/AM-69/ILS.]

S.O. 1348.—M/s. Secunderabad Club, Secunderabad (A.P.) were granted an import licence No. P/AU/1290150/C/XX/27/H/26 dated 6-4-1968 for Rs. 250/- (two hundred & fifty only) for the import of golf balls. They applied for the issue of a duplicate customs purpose copy of the said licence on the ground that the original customs purpose copy has been lost/misplaced. It is further stated that the licence (customs purpose copy) was not registered with any customs authority at ports, and was not utilized at all.

In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original customs purpose copy of the said licence has been lost/misplaced. Therefore, in exercise of the powers conferred under Sub-clause 9 (CC) of Import (Control) Order 1955 dated 7-12-1955 as amended, the said original customs purpose copy of the said licence No. P/AU/1290150/C/XX/27/H/26 dated 6-4-1968 issued to M/s. Secunderabad Club, Secunderabad (A.P.) is hereby cancelled.

A duplicate customs purpose copy of the said licence is being issued to the licensee separately.

[No. F. 128/Club/AM-69/ILS.]

S. K. USMANI,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Co-operation)

New Delhi, the 25th March 1969

S.O. 1349.—In exercise of the powers conferred by section 5-B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942), the Central Government hereby directs that all the power or authority exercisable by the Central Registrar of Cooperative Societies under the said Act, shall also be exercisable by Shri D. K. Ghosh, Additional Registrar of Cooperative Societies, West Bengal, Bengal, in respect of the multi-unit cooperative societies, which are or are deemed to be actually registered in the State of West Bengal.

[No. F. 7-4/69-Credit.]

S. SATYABHAMA, Dy. Secy.

MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT

(Deptt. of Health and U.D.)

New Delhi, the 31st March 1969

S.O. 1350.—In exercise of the powers conferred by section 32, read with sub-section (1) of section 4, of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following rules to amend the Indian Medical Council Rules, 1957, namely:—

1. (1) These rules may be called the Indian Medical Council (Amendment) Rules, 1969.

(2) They shall be deemed to have come into force on the 28th September, 1968.

2. In rule 26 of the Indian Medical Council Rules, 1957, the following shall be inserted at the end, namely:—

“and the member so nominated shall on and from the commencement of the Indian Medical Council (Amendment) Rules, 1969, vacate, and shall be deemed always to have vacated, their offices as such.”

[No. F. 11-57/68-MPT.]

ORDER

New Delhi, the 3rd April 1969

S.O. 1351.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/59-MI, dated the 1st April, 1960, the Central Government has directed that the medical qualification M.D. granted by the University of Toronto, Canada shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Richard Kingslay Gill, who possesses the said qualification is for the time being attached to the Serango Christian Hospital, P.O. Sarango, Ganjam, District Orissa for the purposes of Charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies a further period of two years with effect from the 30th May, 1968, or the period during which Dr. Richard Kingslay Gill is attached to the said Serango Christian Hospital, P.O. Serango, Ganjam, District Orissa, whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-5/67-MPT.]

K. DEO, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Works, Housing & U.D.)

(Directorate of Estates)

New Delhi, the 22nd March 1969

S.O. 1352.—In pursuance of the provisions of Rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the allotment of Government Residences (General Pool in Delhi) Rules, 1963, namely:—

(1) These rules may be called the Allotment of Government Residences (General Pool in Delhi) Amendment Rules, 1969.

(2) They shall come into force with effect from the next allotment year.

2. In the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 for the table under the heading "classification of residences S.R.-317-B-5" the following table shall be substituted, namely:—

Type of Residences	Category of officer or his monthly emoluments as on the first day of the allotment year in which the allotment is made
I	Less than Rs. 175
II	From Rs. 175 to Rs. 349
III	From Rs. 350 to Rs. 499
IV	From Rs. 500 to Rs. 799
V	From Rs. 800 to Rs. 1299
VI	From Rs. 1300 to Rs. 2249
VII	Rs. 2250 and above (except those eligible for Type VIII)
VIII	Officers of the status of Secretaries and Additional Secretaries to the Government of India.

[No. F. 12035(15)/67-Pol(II).]

T. K. BALASUBRAMANIAN,
Dy. Director of Estates and *ex-officio*, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Directorate General of Shipping)

MERCHANT SHIPPING

Bombay, the 1st April 1969

S.O. 1353.—In exercise of the powers conferred by sub-section (2) of section 8 of the Merchant Shipping Act 1958 (44 of 1958) read with the order of the Government of India in the late Ministry of Transport and Communications No. S.O. 771 dated the 7th March 1962 and in supersession of the Notification No. S.O. 1069 dated the 28th January, 1960, the Director General of Shipping hereby appoints ~~Shri~~ S. B. Bhaman, Nautical Surveyor as the officer who shall be incharge of the office of the Mercantile Marine Department at the port of Marmugao.

This notification shall be deemed to have come into force on the 10th day of March 1969.

[No. 130-SH(52)/61.]

K. C. MADAPPA,
Director General of Shipping.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 14th January 1969

S.O.1354.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes, hereby directs that the Appellate Assistant Commissioners of Incometax of the Ranges specified in column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Incometax or Supertax in the Incometax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:

SCHEDULE

Ranges 1	Incometax circle, Ward and District 2
A-Range, Hyderabad.	1. Circle-I, Hyderabad. 2. Ward-I-A, Hyderabad Circle. 3. Ward-I-B, Hyderabad Circle. 4. Ward-I-C, Hyderabad Circle. 5. Ward-I-D, Hyderabad Circle. 6. Ward-I-E, Hyderabad Circle. 7. Circle-I (old), Hyderabad. 8. A-Ward, Hyderabad. 9. I.T. cum-W.T. Circle-I, Hyderabad. 10. Warangal.
B-Range, Hyderabad.	1. Circle-II, Hyderabad. 2. Special Circle Hyderabad. 3. Ward-II-A, Hyderabad Circle. 4. Ward-II-B, Hyderabad Circle. 5. Ward-II-BB, Hyderabad Circle. 6. Ward-II-C, Hyderabad Circle. 7. Ward-II-D, Hyderabad Circle. 8. Ward-II-DD, Hyderabad Circle. 9. Ward-II-E, Hyderabad Circle. 10. Ward-II-EE, Hyderabad Circle. 11. Circle-II (old), Hyderabad. 12. B-Ward, Hyderabad. 13. I.T.-cum-W.T. Circle-II, Hyderabad. 14. Special Survey Circle (old), Hyderabad. 15. Special Survey Circle-I, Hyderabad. 16. Special Survey Circle-II, Hyderabad. 17. Survey Circle-I, Hyderabad. 18. Survey Circle-II, Hyderabad. 19. Survey Circle, Hyderabad. 20. Sangareddy. 21. Nandyal. 22. Nizamabad. 23. Nirmal.
C-Range, Hyderabad.	1. Circle-III, Hyderabad. 2. Company Ward of Secunderabad Circle, Hyderabad. 3. Company Circle, Hyderabad. 4. Company Circle (old), Hyderabad. 5. Ward-III-A, Secunderabad Circle, Hyderabad. 6. Ward-III-B, Secunderabad Circle, Hyderabad. 7. Ward-III-C, Secunderabad Circle, Hyderabad. 8. Ward-III-D, Secunderabad Circle, Hyderabad. 9. Ward-III-E, Secunderabad Circle, Hyderabad. 10. Circle-III (old), Hyderabad. 11. C-Ward, Hyderabad.

	12. I.T.-um-W.T. Circle-III, Hyderabad. 13. Central Circle Hyderabad. 14. Central Circle (old), Hyderabad. 15. Project Circle, Hyderabad. 16. M.P.P. Circle, Hyderabad. 17. Salary Circle, Hyderabad. 18. Kurnool. 19. Mahaboobnagar. 20. Khammam. 21. Kothagudem. 22. Karimnagar. 23. Recovery Circle, Hyderabad
Visakhapatnam Range, Visakhapatnam.	1. Visakhapatnam. 2. Vizianagaram. 3. Srikakulam. 4. Bobbili. 5. Anakapalle. 6. Circle-I, Kakinada. 7. Circle-II, Kakinada. 8. Ramachandrapuram (old). 9. Kakinada (old) 10. Rajamahendry. 11. Amalapuram. 12. Palacole.
Vijayawada Range, Vijayawada.	1. Vijayawada. 2. Masulipatam. 3. Gudivada. 4. Tanuku. 5. Eluru. 6. Tenali. 7. Bapatla. 8. Tirupathi.
Guntur Range, Guntur.	1. Guntur. 2. Nellore. 3. Mica Circle, Nellore (old).
Anantapur Range, Anantapur.	1. Anantapur. 2. Hindupur. 3. Adoni. 4. Cuddapah. 5. Proddatur. 6. Chittoor.

Where an Incometax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income tax Circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Incometax of the Range from whom the Incometax Circle, Ward or District or part thereof is transferred shall, from the date of this Notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 20th January, 1969.

Explanatory Note :

The amendments have become necessary on account of the abolition of two Appellate Assistant Commissioners' Ranges, viz. D-Range, Hyderabad and Kakinada and the re-allocation of the jurisdiction among the other Appellate Assistant Commissioners.

(This note does not form a part of the Notification but is intended to be merely clarificatory).

[No. 12 (F. No. 50/4/ 68-ITJ.)]

S. V. SUBBA RAO, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

आयकर

नई दिल्ली, 14 जनवरी 1969

एस० नो० 1355—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और उस निमित्त उसे समर्थ बनाने वाले सभी अन्य शक्तियों का प्रयोग करते हुए; और इस बारे में सभी पूर्ववर्ति अधिसूचनाओं को अतिष्ठित करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा यह निदेश देता है कि निम्नलिखित अनुसूची के स्तम्भ 1 में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील) उक्त अनुसूची के स्तम्भ 2 में की गयी विनिर्दिष्ट म विनिर्दिष्ट आयकर सफिलों, बार्डों और जिलों में आय कर या अधिकार से निर्धारित सभी व्यक्तियों और आयों की बाबत अपने कृत्यों का पालन करेंगे :

अनुसूची

रेंज (1)	आयकर सफिल, बार्ड और जिला (2)
ए-रेंज, हैदराबाद	<ol style="list-style-type: none"> 1. सफिल-1, हैदराबाद 2. बार्ड-1-ए हैदराबाद सफिल 3. बार्ड-1-बी, हैदराबाद सफिल 4. बार्ड-1-सी, हैदराबाद सफिल 5. बार्ड-1-डी, हैदराबाद सफिल 6. बार्ड-1-ई, हैदराबाद सफिल 7. सफिल-1 (पुराना), हैदराबाद 8. ए-बार्ड, हैदराबाद 9. आयकर-एवं-धनकर-सफिल-1, हैदराबाद 10. वारंगल
बी-रेंज, हैदराबाद	<ol style="list-style-type: none"> 1. सफिल-2, हैदराबाद 2. विशेष सफिल, हैदराबाद 3. बार्ड-2-ए, हैदराबाद 4. बार्ड-2-बी, हैदराबाद सफिल 5. बार्ड-2-बी बी, हैदराबाद सफिल 6. बार्ड-2-सी, हैदराबाद सफिल 7. बार्ड-2-डी ; हैदराबाद सफिल 8. बार्ड-2-डी डी, हैदराबाद सफिल 9. बार्ड-2-ई, हैदराबाद सफिल 10. बार्ड-2-ई ई, हैदराबाद सफिल 11. सफिल-2-(पुराना) हैदराबाद 12. बी-बार्ड, हैदराबाद 13. आयकर-एवं-धनकर सफिल-2, हैदराबाद 14. विशेष सर्वेक्षण सफिल (पुराना), हैदराबाद

(1)

(2)

15. विशेष सर्वेक्षण सर्किल-1, हैदराबाद
16. विशेष सर्वेक्षण सर्किल-2, हैदराबाद
17. सर्वेक्षण सर्किल-1, हैदराबाद
18. सर्वेक्षण सर्किल-2, हैदराबाद
19. सर्वेक्षण सर्किल, हैदराबाद
20. संग रेडी
21. नंदयाल
22. निजामाबाद
23. निर्मल

सी-रेंज, हैदराबाद

1. सर्किल-3, हैदराबाद
2. सिकन्दराबाद का कम्पनी वार्ड सर्किल, हैदराबाद
3. कम्पनी सर्किल, हैदराबाद
4. कम्पनी सर्किल (पुराना), हैदराबाद
5. वार्ड-3-ए, सिकन्दराबाद सर्किल, हैदराबाद
6. वार्ड-3-बी, सिकन्दराबाद सर्किल, हैदराबाद
7. वार्ड-3-सी, सिकन्दराबाद सर्किल, हैदराबाद
8. वार्ड-3-डी, सिकन्दराबाद सर्किल, हैदराबाद
9. वार्ड-3-ई, सिकन्दराबाद सर्किल, हैदराबाद
10. सर्किल-3, (पुराना) हैदराबाद
11. सी-वार्ड, हैदराबाद
12. आयकर-एवं-धनकर सर्किल -3, हैदराबाद
13. सेन्द्रल सर्किल, हैदराबाद
14. सेन्द्रल सर्किल, (पुराना) हैदराबाद
15. प्रोजेक्ट सर्किल, हैदराबाद
16. एम० पी० पी० सर्किल, हैदराबाद
17. सेलरी सर्किल, हैदराबाद
18. कुरनूल
19. महबूब नगर
20. खम्माम
21. कोथागुडम
22. करीमनगर
23. वसुली सर्किल, हैदराबाद

विशाखापत्तनम रेंज, विशाखापत्तनम

1. विशाखापत्तनम
2. विजयनगरम
3. श्रीकाकुलम

(1)

(2)

	4. बोंविली
	5. अनाकापल्ले
	6. सर्किल-1 काकीनाडा
	7. सर्किल-2 काकीनाडा
	8. रामचन्द्रपुरम (पुराना)
	9. काकीनाडा (पुराना)
	10. राजामुन्वरी
	11. अमलापुरम
	12. पालकोले
विजयवाड़ा रेंज, विजयवाड़ा	1. विजयवाड़ा
	2. मसुलीपट्टम
	3. गोडीवाड़ा
	4. टनुकु
	5. एलुरु
	6. टेनाली
	7. बपातला
	8. तिरुपति
गुंतुर रेंज, गुंतुर	1. गुंतुर
	2. नेल्लोर
	3. माइका सर्किल, नेल्लोर (पुराना)
अनन्तपुर रेंज, अनन्तपुर	1. अनन्तपुर
	2. हिन्दूपुर
	3. अडोनी
	4. कुड्डपा
	5. प्रोद्दूर

जहां कि कोई आयकर सर्किल, वार्ड या जिला या उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से दूसरे रेंज को अन्तरित किया गया है वहां उस आयकर सर्किल, वार्ड या जिले या उसके किसी भाग में किये गये निर्धारणों से उद्भूत, और जिस रेंज के सहायक आयकर आयुक्त (अपील) से वह आयकर सर्किल, वार्ड या जिला या उसका कोई भाग अन्तरित किया गया है उस रेंज के सहायक आयकर आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पहले लम्बित, अपीलें, उस तारीख से, जिसे तारीख को यह अधिसूचना प्रभावी होगी, उस रेंज के, जिसे उक्त सर्किल, वार्ड या जिला या उसका कोई भाग अन्तरित किया गया है, सहायक आयुक्त (अपील) को अन्तरित हो जाएंगी तथा उन के सम्बन्ध में उस के द्वारा कार्यवाही की जाएगी।

यह अधिसूचना 20 जनवरी, 1969 से प्रभावशील होगी।

वातावरणिक टिप्पणी

सहायक आयुक्त (अपील) के दो रेंजों अर्थात् डी-रेंज हैदराबाद और काकीनाडा' के उत्पादन और अन्य सहायक आयुक्तों (अपील) में अधिकारिता का फिर से आवंटन करने के कारण ये संशोधन आवश्यक हो गये हैं।

(यह टिप्पणी अधिमूचना का भाग नहीं है। इसका आशय तो केवल स्पष्टीकरण करना है।)

[सं० 12 फा० सं० 50/4/68-आई-टी जे०]

एस० वी० सुब्बाराव, स्वर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th March 1969

S.O. 1356.—Whereas it appears to the Central Government that the Employer and the majority of the employees in relation to the establishment known as Messrs Shri Ramkabr Pipe Manufacturing and Construction Company (Private) Limited, Charthan, District Surat, Gujarat State have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 31st January, 1969.

[No. 8/199/68-PF.II.]

New Delhi, the 31st March 1969

S.O. 1357.—Whereas it appears to the Central Government that the Employer and the majority of the employees in relation to the establishment known as Messrs Bhukhanvala and Sons, Meadows Street, Fort, Bombay have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the Thirty-first day of December, 1967.

[No. 8/13/69/PF.II.]

S.O. 1358.—Whereas it appears to the Central Government that the Employer and the majority of the employees in relation to the establishment known as Messrs Kanhaiyalal Kejariwal, 8-Cossipur Road, Calcutta-12, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 28th February, 1969.

[No. 8/3/69/PF.II.]

S.O. 1359.—Whereas it appears to the Central Government that the Employer and the majority of the employees in relation to the establishment known as Messrs Lubrizol India Limited, Delstar, 9-A, Huzhes Road, Bombay-26, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the Thirty-first day of March, 1968.

[No. 8/109/68/PF.II.]

S.O. 1360.—Whereas it appears to the Central Government that the Employer and the majority of the employees in relation to the establishment known as The Regional Provident Fund Staff Co-operative Canteen, 24, Park Street, Calcutta-16 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 28th February, 1969.

[No. 8/7/69/PF.II.]

S.O. 1361.—Whereas it appears to the Central Government that the Employer and the majority of the employees in relation to the establishment known as Messrs. Mahabir Prasad Choudhary, 8, Cossipur Road, Calcutta-2 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 28th February, 1969.

[No. 8/14/69/PF.II.]

New Delhi, the 3rd April 1969

S.O. 1362.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2057, dated the 28th June, 1966, the Central Government hereby appoints Shri S. S. Chatterjee as Regional Provident Fund Commissioner for the whole of the State of Orissa to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri J. M. Pandya.

[No. 17(14)/68-PF.I(1).]

S.O. 1363.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2056, dated the 28th June, 1966, the Central Government hereby appoints Shri S. S. Chatterjee to be an Inspector for the whole of the State of Orissa *vice* Shri J. M. Pandya for the purposes of the said Act and of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

[No. 17(14)/68-PF.I(II).]

S.O. 1364.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories, namely (1) Auto Workshop and (2) Mechanical Workshop, Oil and Natural Gas Commission, Nowgam Project, Kansari Via Anand (Gujarat) in implemented area hereby exempts the said factories from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year upto and including the 15th April, 1969.

[No. F. 6(107)/68-HI.]

DALJIT SINGH, Under Secy

श्रम, नियोजन और पुनर्वास मंत्रालय

(श्रम और नियोजन विभाग)

नई दिल्ली, 11 मार्च 1969

एस० ओ० 1365—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री राम कबीर पाइप मैनुफैक्चरिंग एण्ड कान्स्ट्रक्शन् कम्पनी (प्राइवेट) लिमिटेड, चारथान, जिला सूरत, गुजरात राज्य नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को 31 जनवरी, 1969 से एतद्वारा लागू करती है ।

[सं० 8/199/68-भ० नि०-2.]

नई दिल्ली 31, मार्च, 1969

एस० ओ० 1366—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भूखनवाला एण्ड सन्ज, मेडोज स्ट्रीट, फोर्ट, मुम्बई नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिमूचना 1967 के दिसम्बर के 31 वें दिन को प्रवृत्त समझी जाएगी ।

[सं० 8/13/69/भ० नि०-2.]

एस० ओ० 1367:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कन्हैया लाल कजरीवाल, 8-कासीपुर रोड, कलकत्ता-12 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा 28 फरवरी, 1969 से लागू करती है ।

[सं० 8/3/69/भ० नि०-2.]

एस० ओ० 1368:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ल्युत्रिजोल इंडिया लिमिटेड, डेलस्टार, 9-ए, ह्यूज रोड, मुम्बई-26 नामक स्थापन से सम्बद्ध नियोजक और

कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिसूचना 1968 के मार्च के 31 वें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं० 8/109/68/भ० नि०-2.]

एस० ओ० 1360—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रीजनल प्रावीडेण्ट फण्ड स्टाफ कोऑपरेटिव बैंडोन, 24, पार्क स्ट्रीट, कलकत्ता-16 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा 28 फरवरी, 1969 से लागू करती है ।

[सं० 8/7/69/भ० नि०-2.]

एस० ओ० 1370—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स महाबीर प्रसाद चौधरी, 8, कासीपुर रोड, कलकत्ता-2 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा 28 फरवरी, 1969 से लागू करती है ।

[सं० 8/14/69/भ० नि०-2.]

नई दिल्ली, 3 अप्रैल 1969

एस० ओ० 1371—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 5-घ की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम, नियोजन और पुनर्वास मंत्रालय (श्रम और नियोजन विभाग) की अधिसूचना सं० का० आ० 2057, तारीख 28 जून, 1966 को अतिष्ठित करते हुए, केन्द्रीय सरकार श्री एस० एस० चटर्जी को केन्द्रीय भविष्य निधि आयुक्त को उनके कर्त्तव्यों के निर्वहन में सहायता करने के लिए, श्री जे० एम० पांड्या के स्थान पर, समस्त उड़ीसा राज्य के लिए एतद्वारा प्रादेशिक भविष्य निधि आयुक्त नियुक्त करती है ।

[सं० 17 (14)/68-भ० नि०-1 (i).]

एस० ओ० 1372—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम, नियोजन और पुनर्वास मंत्रालय (श्रम और नियोजन विभाग) की अधिसूचना सं० का० आ० 2056, तारीख 28 जून, 1966 को अतिष्ठित करते हुए, केन्द्रीय सरकार उक्त अधिनियम के और तदधीन विरचित

किसी स्कीम के प्रवाहन के लिए, केन्द्रीय सरकार के या उसके नियंत्रणाधीन के किसी स्थान के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से सम्बद्ध किसी स्थापन के सम्बन्ध में, श्री जे० एस० पांड्या के स्थान पर श्री एस० ए० चटर्जी को समस्त उड़ीसा राज्य के लिए, एतद्वारा निरीक्षण नियुक्त करते हैं।

[स० 1/(11)/68-भ० नि०-1(ii)].

दलजीत सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 2nd April 1969

S.O. 1373.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Ena Colliery, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 25th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 32 of 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., *Presiding Officer.*

PARTIES:

Employers in relation to the Ena Colliery and their workmen.

APPEARANCES.

For Employers.—Shri S. S. Mukherjee, Advocate.

For Workmen.—None appeared.

INDUSTRY: Coal

STATE: Bihar

Dhanbad, the 15th March 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery, Post Office Dhansar (Dhanbad) and their workmen by its order No. 2/97/66-LRII dated the 6th of July, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :—

SCHEDULE

“Whether the management of Ena Colliery was justified in stopping Shri Sidhnath Singh, Chaprasi, from work with effect from the 19th February, 1966? If not, to what relief is the workman entitled?”

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 119 of 1966 on its file. While it was pending there the proceeding was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government, by its order No. 8/25/67-LRII dated the 3th of May, 1967 and there it was registered as reference No. 161 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968, transferred the dispute to this tribunal where it has been renumbered as reference No. 32 of 1968.

3. The employers filed the written statement on 12th September, 1968. Their case is that there was no workman of the name of Sri Sidhnath Singh who had worked as a Chaprasi or in any other capacity in the Ena Colliery and that Sri Sidhnath Singh was not a workman of this colliery and therefore, the justification or otherwise of stopping him from work with effect from 19th of February, 1966 or from any other date does not arise. According to them the colliery Mazdoor Sangh only in order to harass the management has set up a person who was not a workman of this colliery at all and that the present dispute raised by the Union is without any basis whatsoever.

4. The Secretary, Colliery Mazdoor Sangh filed the written statement on 31st October, 1968. According to them Sri Sidhnath Singh had been working as a Chaprasi for a period of about five years till February, 1966 and that in spite of his long years of employment he was not made permanent and was paid wages by vouchers. The workman represented his case before the local representatives of the employers to make him permanent but the action of the workman enraged them and taking advantage of his nature of employment they made him idle with effect from 19th of February, 1966 without assigning any reason whatsoever. According to the Union the action of the employers was mala fide, illegal and was against natural justice. According to them the management of the Ena Colliery was not justified in stopping Sri Sidhnath Singh, Chaprasi from work with effect from 19th of February, 1966 and that he should be reinstated in his former post with full back wages and continuity of service.

5. In this case 13th December, 1968 was the date fixed for hearing. On that date Sri R. N. Ganguli, Administrative Officer represented the employers but none appeared on behalf of the workmen and the case was adjourned to 14th March, 1969. On 14th March, 1969 Sri S. S. Mukherjee, Advocate represented the employers but none appeared on behalf of the workmen. The workmen also failed to submit any petition praying for adjournment or time. Under the aforesaid circumstances I was compelled to take up this case ex-parte in the absence of the union, representing the workmen.

6. The management examined Sri R. N. Ganguli, the Administrative Officer of the management. He has been working in the Ena Colliery since the year 1962. He has stated in his evidence that the concerned workmen Sri Sidhnath Singh never worked in the colliery as Chaprasi or in any other capacity. He further stated that Sri Sidhnath Singh was never paid by voucher nor he was a permanent employee of the management. The management had filed their registers Ext. M-1 to M-8. These registers are maintained under section 48 of the Mines Act read with Rule 77 of the Mines Rule. These are the statutory registers maintained under the Mines Act. These registers do not show that Sri Sidhnath Singh was a Chaprasi under the management. He has further stated that it is not a fact that Sri Sidhnath was stopped from work with effect from 19th of February, 1966.

7. In this case the contention of the management was that Sri Sidhnath was never under the employment of the management either as a Chaprasi or in any other capacity and on this point they have filed form 'B' registers (Ext. M-1 to M-8) in order to show that the name of Sidhnath Singh does not appear in those registers. On this point Sri R. N. Ganguli, the Administrative Officer of the management has also put his oath.

8. The management has satisfactorily proved that Sri Sidhnath Singh was not a workman of this colliery. In this view of the case I hold that the question of justification or otherwise in stopping Sri Sidhnath Singh, Chaprasi from work with effect from the 19th of February, 1966 by the management does not arise.

9. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.
[No. 2/97/66-LRII.]

New Delhi, the 3rd April 1969

S.O. 1374.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of P. D. Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen, which was received by the Central Government on the 24th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 46 of 1968

PARTIES:

Employers in relation to the management of P. D. Kajora Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Sri Provat Kumar Mukherjee, Labour Adviser

On behalf of Workmen—Absent.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/48/68-LRII, dated October 4, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the management of P. D. Kajora Colliery and their workmen, to this tribunal, for adjudication, namely:

“Whether the management of P. D. Kajora Colliery, Post Office Kajoram, District Burdwan was justified in not allowing 111 workmen mentioned in the list below to work on the 2nd February, 1968, 3rd February, 1968 and 5th February, 1968, and not paying them wages for the said dates:—

Names	Designation
1. Parichhan Kahar	Malkatta
2. Bindeshwari Singh	"
3. Jayshree Singh.	"
4. Tun Tun Munia	"
5. Vikram Chamar	"
6. Rudal Kahar	"
7. Vishwa Nath Harijan	"
8. Ramlakhan Harijan	"
9. Haku Miya	"
10. Gafur Miya	"
11. Banbari Miya	"
12. Rupan Harijan	"
13. Ramjan Miya	"
14. Tilak Kahar	"
15. Baijnath Harijan	"
16. Purnabasi Kahar	"
17. Satya Narayan Kahar	"
18. Dilla Miya	"
19. Lilu Ray	"
20. Najmun Miya	"
21. Ali Sher Miya	"
22. Pujan Kahar	"
23. Basudev Kahar	"
24. Salim Miya	"
25. Jalim Harijan	"
26. Naru Ray	"

<i>Names</i>	<i>Designation</i>
27. Kishni Nonia	Malkatha
28. Musai Gour	"
29. Ram Nath Harijan	"
30. Chhattu Harijan	"
31. Babban Sah	"
32. Munsai Sah	"
33. Gamha Kahar	"
34. Amir Miya	"
35. Ha-bib	"
36. Chokath Singh	"
37. Rameudh Kahar	"
38. Bulan Miya	"
39. Pabaru Harijan	"
40. Ish Mohammad Miya	"
41. Sukai Kahar	"
42. Sobrati Miya	"
43. Tufani Kahar	"
44. Raja Singh	"
45. Sa-dgu Harijan	"
46. Jamdar Miya	'Trammer
47. Ramdas Gop	"
48. Biggu Singh	"
49. Sukhari Singh	"
50. Sajjan Sah	"
51. Jagat Singh	"
52. Dipan Singh	"
53. Narayan Singh	"
54. Sudhai Kahar	"
55. Sevak Harijan	"
56. Rameshwar Napit	"
57. Ramjee Pandey	"
58. Kalo Bouri	"
59. A-bhov Bouri	"
60. Parsadi Turi	"
61. Nageshwar Singh	"
62. Budhari Gop	"
63. Chandi Kahar	"
64. Sugdev Singh	"
65. Moti Chand Singh	"
66. Shakti Gop	"
67. Surendra Gop	"
68. Jahaji Bouri	Surface Trammer
69. Bogani Bouri	"
70. Gena Bouri	"
71. Binath Dom	"
72. Bhola Singh	"
73. Nafar Dom	"
74. Kali Kora	"
75. Bhikha Bouri	"
76. Banka Bouri	"
77. Indra Singh	"
78. Paral Bagdi	"
79. Rashu Kora	"
80. Jittan Majhi	"
81. Indu Kora	"
82. Siva Dom	Loader
83. Kura Dom	"
84. Noona Dom	"
85. Nepal Dom	"
86. Robi Bouri	"
87. Sufar Dom	"
88. Khandi Bouri	"
89. Sutli Bouri	"
90. Lakhī Mochi	"
91. Nooni Bouri	"
92. Mukhda Kora	"

Names	Designation
93. Jamuna Kora	Loader
94. Joti Bourl	"
95. Subhadra Mahato	"
96. Rabi Bourl	"
97. Moti Bourl	"
98. Havahi Bourl	"
99. Geni Bourl	"
100. Sashti Dom	"
101. Gour Dom	Packing Cooli
102. Santo Bourl	"
103. Sundari Bourl	"
104. Achall Bourl	"
105. Panti Bagdi	"
106. Kalipada Mondal	"
107. Ramdev Kahar	"
108. Bhola Ankuria	"
109. Banarsi Singh	Mining Sirdar
110. Banko Akuria	Filter Mistri
111. Jarkhandi Singh	"

If not, to what relief are the workmen entitled?"

2. The employer colliery and the trade union representing the workmen concerned filed their respective written statement. The union of the workmen also made an application for production of certain documents, which I disposed of by an order dated February 1, 1969. At the hearing to-day, however, the management only appeared. Nobody on behalf of the trade union of the workmen, involved in this reference, cared to appear.

3. In the written statement filed on behalf of the employer colliery objection was taken to the *locus standi* of the Khan Shramik Congress to represent the workmen or to butt in the present dispute on the ground that the workmen of the colliery were all members of the Colliery Mazdoor Sabha, which alone was the recognised trade union of the colliery. At the time of hearing, however, this objection was not pressed.

4. On the merits, it was stated as follows :

"6. *** Save and except that this management closed down the above Mine after consultation with its recognised Union Colliery Mazdoor Sabha on the said dates under the circumstances stated hereinafter in the succeeding paragraph this employer denies all other statements and/or allegations....

7. ** the Management were required to stop the work of the Mine on 2nd and 3rd February, 1968 for an urgent breakdown job of the Chimney, the above Mine worked on 21st January, 1968 in lieu of 2nd February, 1968 and 28th January, 1968 in lieu of 3rd February, 1968. Again on 5th February, 1968 the Mine could not run due to the non-completion of the break down job on Sunday the 4th February, 1968 and after settlement with the recognised Union Colliery Mazdoor Sabha it was agreed that the said day will be treated as a rest day in advance for 18th February, 1968 when the Mine worked in lieu of 4th February, 1968. The aforesaid changes of the working of the Mines were notified by this employer to all its workmen by the notices dated 15th January, 1968 and 5th February, 1968 issued by its Manager which were hung up in the notice Board of the Colliery....

9. This employer denies that the Management stopped the Mine on 2nd February, 1968, 3rd February, 1968 and 5th February, 1968 without any notice or without any reason or that the same is wholly unjust malafide or victimisation in natural justice.. ."

5. In support of the case pleaded in the written statement, the management examined Kali Charan Mallick, a despatch clerk of the colliery. Although styled as a despatch clerk, this witness posed to be a all-purpose handiman of the

employer colliery. Be that as it may, the fact that repair to the chimney necessitated the stoppage of mining work was not true to the knowledge of this witness but that was what he had heard from the repairing mistries'. Then again, the version that the colliery was closed in agreement with the recognised trade union of the workmen, according to this witness, was a verbal agreement. He said :

"The agreement was never recorded in writing nor have I cited anybody from the Colliery Mazdoor Sabha to give evidence in support of this version of mine."

In support of the version that the colliery was closed in agreement with the trade union of the workmen, this witness produced and proved two notices (Exts. 1 and 2) both of which I set out below :

"Ext. 1.—This is to inform you as we are required to stop the mine on 2nd and 3rd Feb./68 for an urgent breakdown job of one chimney. We have decided to work 21st Jany./68 in lieu of 2nd Feb./68 and 28th Jany./68 in lieu of 3rd Feb./68.

So all of you are requested to attend on the said rest day for your respective job.

Ext. 2.—As due to the non-completion of the breakdown job on Sunday the 4th Feb./68 the mine could not run today and it is settled with the Union that you will accept this as a rest day in advance of 18/2/68 (normal rest day) when the mine will work.

So please report to your respective duties on 18/2/68 as agreed to."

It is to be noticed that Ext. 1 does not make any reference to any agreement or settlement with the workers' union. Ext. 2, however, does. Examined by the tribunal on this point the witness Kall Charan said :

"(Shown Ext. 1 and 2). I cannot say why in Ext. 1 it was not mentioned 'It is settled with the union' as done in Ext. 2. Why the Manager did not think it proper to use that expression in Ext. 1, I cannot say. I know this much that things were settled with the union."

6. Mr. Pravat Kumar Mukherjee, Labour Advisor, for the employer colliery invited my attention to Sections 29 and 38 of the Mines Act which I set out below :—

"29(1) Where in pursuance of action under section 38 or as a result of exempting any mine or the persons employed therein from the provisions of section 23, any person employed therein is deprived of any of the weekly days of rest for which provision is made in section 28, he shall be allowed, within the month in which such days of rest were due to him or within the two months immediately following that month, compensatory days of rest equal in number to the days of rest of which he has been deprived.

(2)

38(1) In case of an emergency involving serious risk to the safety of the mine or of persons employed therein or in the case of an accident, whether actual or apprehended, or in case of any act of God or in case of any urgent work to be done to machinery, plant or equipment of the mine as the result of breakdown of such machinery, plant or equipment, the manager may, subject to the provisions of section 22 and in accordance with the rules under section 39, permit persons to be employed in contravention of section 28, section 30, section 31, section 34, or [sub-section (5) of section 36], on such work as may be necessary to protect the safety of the mine or of the persons employed therein:

Provided, that in case of any urgent work to be done to machinery, plant or equipment under this section, the manager may take the action permitted by this section, although the production of (mineral) would thereby be incidentally affected, but any action so taken shall not exceed the limits necessary for the purpose of avoiding serious interference with the ordinary working of the mine.

(2) Every case in which action has been taken by the manager under sub-section (1), shall be recorded together with the circumstances relating thereto and a report thereof shall also be made to the Chief Inspector or the Inspector."

I do not know how those two sections help Mr. Mukherjee. Sec. 38 deals with cases of emergency or accident or cases of urgent repair work to be done to the plant or machinery, when the manager of a colliery is enabled to permit persons to be employed in contravention of provisions of Sections 28, 30, 31 or sub-section (3) of Sec. 36 on such work as may be necessary to effect the safety of the mine or of the person employed therein. Section 29 deals with compensatory days of rest to persons who have been overworked in emergency. The instant case is not a case of over-employment for emergency or accident in contravention of the provisions of the Mines Act. Therefore, no question of compensatory leave under Sec. 29 arises. Mr. Mukherjee, however, stated that I should apply the analogy of Sections 38 and 29 in the facts of this case. I am unable to uphold this argument.

7. Mr. Mukherjee next argued that because of the agreement with the workers relating to substitute rest days in the manner done, the present dispute should be decided in favour of the employer company. I have already examined the evidence on this point. The agreement has not been proved. There is no documentary evidence in support of this agreement. Nobody on behalf of the recognised union has come to depose in support of this version of the management. Therefore, the story of the agreement should be condemned merely as a story.

8. I find on facts that the case pleaded by the management namely, that there was no stoppage of the colliery on 2nd, 3rd and 5th February but merely those days were substituted as rest days for days on which the workmen had worked have not been proved. I, therefore, hold that P. D. Kajora colliery was not justified in stopping 111 workmen, mentioned in the order of reference, from working on the 2nd February, 1968, 3rd February, 1968 and 5th February, 1968 and not paying them wages for the same days.

9. On the question as to relief that they should be given, it was contended that the workmen had been paid on the 21st, 28th of January, 1968 and 18th of February, 1968 in lieu of 2nd, 3rd and 5th February, 1968 and they should not be paid again. This fact again has not been proved by production of any document or even by oral evidence. I, therefore, cannot accept the contention of Mr. Mukherjee that the 111 workmen, whose names appear in the Schedule to the Order of reference, were paid their wages on 21st, 28th of January and 18th February, 1968 and should not be paid over again 2nd, 3rd & 5th February, 1968. I, therefore, direct that P. D. Kajora colliery should pay to the said workmen their full wages for the 2nd, 3rd and 5th February, 1968.

This is my award.

Dated, March 19, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 6/48/68-LRII.]

New Delhi, the 5th April 1969

S.O. 1375.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of the Pure Kustore Colliery, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 24th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD.

REFERENCE NO. 68 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., *Presiding Officer.*

PARTIES:

Employers in relation to the Pure Kustore Colliery

Vs

Their workmen.

APPEARANCES:

For Employers: Shri Rannen Roy, Advocate.

For Workmen: Shri B. Joshi, Advocate.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, dated the 14th of March, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to Messrs. Pure Kustore Colliery Company Limited, Owners of Pure Kustore Colliery, Post Office Kusunda, District Dhanbad, and their workmen by its order No. 2(134)/66-LRII dated the 13th of December, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

"Whether the action of the management of Pure Kustore Colliery of Messrs Pure Kustore Colliery Company Limited, Post Office Kusunda, District Dhanbad, in dismissing the workmen named below with effect from the dates mentioned against their respective names amounted to victimisation?"

Name of the worker	Designation	Date of dismissal
1. Shri Purnamashi Chamar	Miner	14-5-1964
2. Shri Mukhu Ahir	Miner	31-8-1964
3. Shri Foudar Teli	Miner	31-8-1964
4. Shri Jamuna Bhar	Miner	31-8-1964
5. Shri Paltan Bhar	Miner	31-8-1964
6. Shri Khedaru Bhar	Miner	31-8-1964
7. Shri Haru Dhari	Trammer	31-8-1964

If so, to what relief are the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 162 of 1966 on its file. While it was pending there the proceeding was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government by its order No. 8/25/67-LRII dated the 8th of May, 1967. By its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 the dispute was transferred to this Tribunal and here it has been renumbered as reference No. 68 of 1968.

3. The employers filed the written statement on 27-1-1967. Their case is that the concerned workmen in the present reference were not the members of the Khan Mazdoor Congress or any union at all at the relevant dates. The present dispute is neither supported by substantial numbers of workmen nor any union and as such is outside the purview of the Industrial Disputes Act, 1947.

4. Regarding workman Purnamashi Chamar their case is that on 21-4-1964 in the first shift during the duty hours of Sri Purnamashi Chamar miner, he was detected by the manager, robbing pillar in 17½ level top section. For this a charge sheet dated 22-4-1964 was issued to the workman to which he gave a reply dated 25-4-1964 denying the charge. A notice dated 28-4-1964 was issued to Shri Purnamashi Chamar fixing the departmental enquiry on 2-5-1964 at 5 p.m. The departmental enquiry was held in presence of Shri Purnamashi Chamar, wherein he was given full chance and opportunities to cross examine the witnesses and also to produce witnesses in defence. The departmental enquiry in this case was held after observing all principles of natural justice. In the aforesaid departmental enquiry the misconduct mentioned in the charge sheet dated 22-4-1964 was satisfactorily established against Sri Purnamashi Chamar and accordingly he was dismissed by letter dated 12-5-1964 with effect from 14-5-1964. The dismissal of Sri Purnamashi Chamar was therefore, bonafide and based on proved misconduct.

5. In respect to the remaining six concerned workmen viz. S/Sri Mukhu Ahir, Foundar Teli, Jamuna Bhar, Paltan Bhar, Khedaru Bhar and Haru Dhari the case of the management is that the aforesaid workmen, on 4-5-64 at about

5.30 P.M. instigated the temporary wagon loaders, who had no work on that date to obstruct the permanent wagon loaders from loading wagons. They did not listen to the repeated orders of the manager and the Agent and behaved in a disorderly manner. For the above misconduct chargesheets dated 5-5-64 were issued to the workmen. They submitted a joint reply denying the charge. After due notices a departmental enquiry was held on 28-7-64 at 5-30 P.M. in the presence of all the workmen wherein they were given full chance and opportunities to cross-examine the witnesses and also to produce defence witnesses. In the aforesaid departmental enquiry the misconduct mentioned in chargesheets was satisfactorily established and accordingly they were dismissed by letter dated 26-8-64 with effect from 31-8-64. According to the management the dismissal of the aforesaid six concerned workmen was bonafide and was done after observing all the principles of natural justice.

6. The Secretary, Khan Mazdoor Congress filed the written statement on 10-7-67. Their case is that the present dispute was sponsored by the Khan Mazdoor Congress, a Trade Union registered under the Indian Trade Union Act of which the concerned workmen are members and therefore, the dispute is an industrial dispute and not an individual dispute as alleged by the employers.

7. Regarding workman Purnamashi Chamar, their case is that the chargesheet issued against Sri Purnamashi Chamar was out and out a fabrication. Purnamashi Chamar submitted an explanation to his chargesheet but no departmental enquiry was held in his presence and the principles of natural justice in holding the departmental enquiry were not observed. The concerned workman Sri Purnamashi Chamar was denied the opportunity of defending himself, and as a matter of fact the enquiry took place behind his back and accordingly the dismissal of Sri Purnamashi Chamar was mala fide and was done with a view to victimise him for his trade union activities and the dismissal was illegal, wrongful and mala fide.

8. Regarding Mukhu Ahir and the five remaining concerned workmen the case of the union is that they were the active members of the Union and had therefore, incurred the wrath of the management. A false charge was cooked up against them with a motive to victimise them. The concerned workmen submitted explanation of the chargesheet denying the charge. According to the union after a perfunctory enquiry held in utter violation of the principles of natural justice by an enquiring officer who was thoroughly biased against them, they were dismissed with effect from 31st August, 1964. Thus the workmen were dismissed for their trade union activities. The order of dismissal besides being unjustified and wrongful was based on a perverse finding of a biased enquiry officer. The concerned workmen are therefore entitled to the relief of reinstatement with full back wages with continuity of service.

9. The first point taken up by the employers is that this dispute is not an industrial dispute but it is only an individual dispute and as such the reference to this tribunal was without jurisdiction.

10. There was some discussions at the outset on the point of burden of proof i.e. on the question whether it is for the workmen to prove that the dispute in question was sufficiently and properly sponsored so as to convert it into an industrial dispute or it was for the employers to say that the dispute was not properly or sufficiently sponsored and as such was not an industrial dispute at all. The learned advocate Sri Rannen Roy, appearing on behalf of the management submitted that it was on the workmen to prove that it is an industrial dispute. Whereas it was submitted on behalf of the workmen that it is for the employers to show that the dispute was an individual dispute. The following authorities were cited before me on behalf of the workmen, (i) Hindustan Times, Ltd., New Delhi Vs. Chief Labour Commissioner, New Delhi and others, a decision of the Punjab High Court reported in 1957-II L.L.J. page 466 and (ii) Workmen of Aligarh Electric Supply Company Ltd., Aligarh, and another and Aligarh Electric Supply Company, Ltd., Aligarh, and others, a decision of the Allahabad High Court reported in 1966-II L.L.J., page 839. In the aforesaid two cases it was held by their Lordships that it is for the employers to prove that the dispute raised is not an industrial dispute. On behalf of the management the following authorities have been cited viz. (i) Sri Kripa Printing Press and Labour Court and another, a decision of the Andhra Pradesh High Court reported in 1960-(I) L.L.J., page 53 and (ii) Nallal Cotton Mills, Tirunelveli and Labour Court, Madurai, and another, a decision of the Madras High Court reported in 1965-(I) L.L.J., page 95. According to the views expressed in these cases it is for the workmen to show that the dispute was an industrial dispute and that their cause was sponsored by the

union before the order of reference. No case of the Supreme Court was cited by the parties before me. According to the general principles of burden of proof it is for the party who contends that the dispute is an "industrial dispute", to establish that fact upon which the jurisdiction of the tribunal rests. Therefore, I agree with Sri Rannen Roy, appearing on behalf of the management, that the onus to prove that it was an industrial dispute is for the workmen to show that their cause has been sponsored by the union.

11. The management has raised the point before this tribunal that the present dispute is not an 'industrial dispute' within the meaning of the Industrial Disputes Act, 1947. In the written statement the management stated that the concerned workmen were not the members of the Khan Mazdoor Congress at the relevant time. The union has filed the membership register Ext W-22. Ext. W-21 is the extract from the membership register Ext. W-22. Ext. W-21 shows that the seven concerned workmen were members of the Khan Mazdoor Congress, Pure Kustore Colliery in the year 1963-64. The union has also filed the membership register for the year 1964-65 and 1966 (Ext. W-26 and W-27) in order to show that the concerned workmen were members of the union, Khan Mazdoor Congress in the year 1964-65 and 1966 and on this point Sri Rajbalabh Prasad, WW-1, Secretary, Khan Mazdoor Congress and WW-4 Sri Gopal Chandra Munshi, General Secretary of the Khan Mazdoor Congress have also put their oath and have stated that the concerned workmen were the members of the Khan Mazdoor Congress at the relevant time. Their being the members of the Khan Mazdoor Congress during the relevant time was also not challenged before me by the management at the time of argument.

12. The dispute was in connection with the dismissal of the aforesaid seven concerned workmen. Ext. W-24 is the failure report in the conciliation proceeding and it shows that before the conciliation authorities the Khan Mazdoor Congress had raised the industrial dispute on behalf of the concerned workmen. Sri Rajbalabh Prasad, Secretary, Khan Mazdoor Congress had raised the industrial dispute before the Assistant Labour Commissioner, Dhanbad by his letter dated the 18th of July, 1966. The dispute was raised by him in the capacity of Secretary, Khan Mazdoor Congress. WW-1 Shri Rajbalabh Prasad, Secretary, Khan Mazdoor Congress has stated in his evidence that he raised the dispute in the capacity of the secretary of the union. WW-4 Gopalchandra Munshi, the General Secretary of the Khan Mazdoor Congress has further stated that Ext. W-25 is the letter by which this industrial dispute was raised. He further stated that the office bearers of the union are entitled to raise industrial dispute *suo moto*. According to him the union by resolution has vested to the office bearers of the union to raise any industrial dispute.

13. Section 36(1)(a) of the Industrial Disputes Act, 1947 runs as follows :—

"A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by an officer of a registered trade union of which he is a member."

14. It was submitted before me that according to the Industrial Disputes Central Rule, 3, the arbitration agreement can be attested on behalf of the workmen by any officer of a trade union of the workmen and office bearers includes; 1. President, 2. Vice President, 3. Secretary, and 4. Joint Secretary. This has been referred in order to show that the secretary of the union is entitled to represent the workmen even in arbitration agreement.

15. It was argued before me that the present dispute was raised by Sri Rajbalabh Prasad on his own motion and without any reference to the wishes or the interest of the employees. In this connection two authorities have been filed on behalf of the management. The first is case of Mohon Rice Mill and Hazarika and other, a decision of the Assam High Court reported in 1959(I) L.L.J., page 585. But the facts of that case were quite different. In that case no other worker of the Mill to which the concerned workman Abdur Rahman claimed to belong joined him in supporting his cause, against the employer. Nor was there any evidence to show that any Mill Mazdoor Union of which the worker was a member or that the Indian National Trade Union Congress as such, to which the union may have been affiliated, ever took up his cause. Therefore, that ruling is clearly distinguishable and does not apply to the facts of the present case. In the instant case the cause of the concerned workman was espoused by Rajbalabh Prasad in his capacity of secretary, Khan Mazdoor Congress and on this point Rajbalabh Prasad WW-1 also pledged his oath.

16. The other authority cited in this connection by the management is the case of Bombay Union of Journalists and others and the Hindu, Bombay and another, a Supreme Court case reported in 1961-II, L.L.J., page 436. But in that case the facts were quite different. In that case neither of the two journalists employees of the Hindus, Bombay supported the cause of the concerned workman and therefore, in that case the dispute continued to be an individual dispute. But in the instant case the cause of the concerned workmen are espoused and supported by the Khan Mazdoor Congress for which WW-1, Rajbalabh Prasad and WW-4, Gopalchandra Munshi have pledged their oath. Therefore, the aforesaid two authorities cited by the management do not help their case.

17. The management has also cited before me a case law reported in A.I.R. 1968 Supreme Court 529, Sindhu Resettlement Corporation Ltd., Appellant Vs. Industrial Tribunal of Gujarat and others, Respondents and it was submitted before me that if no dispute at all is raised by the employees with the management, any request sent by them to the Government would only be a demand by them and not an industrial dispute between them and their employer. It was submitted before me that in the instant case no dispute was raised by the employees with the management and therefore, it was not an industrial dispute and in this connection they have relied upon the aforesaid authority report in A.I.R. 1968, Supreme Court, page 529. But the facts of that case were quite different and distinguishable. The principles of law laid down in that case cannot be applicable to the facts of the instant case. In that Supreme Court case the union had confined their demand to the management to retrenchment compensation only and did not make any demand for reinstatement and the reference was in respect of the reinstatement of the concerned workman. In these circumstances it was held by the Lordship that no dispute was raised by the employees with the management in respect of reinstatement. In that case the reference made by the Government in respect of the demand not raised by the union was held not to be industrial dispute. In the Supreme Court case the union never raised any demand for reinstatement. Their only demand was in respect of the retrenchment compensation and under those circumstances the reference by the Government was held not an industrial dispute. But in this instant case the demand of the union to the management is in respect to the dismissal of the concerned workman and reference is also in respect to the dismissal of the concerned workman. Therefore, the authority referred to in A.I.R. 1968, Supreme Court, page 529 has got no application to the fact of the present case.

18. WW-4 Gopal Chandra Munshi has stated in his evidence that the office bearers are entitled to raise industrial dispute *Suo moto*. WW-1 Sri Rajbalabh Prasad secretary of the union has also stated in his evidence that he raised the dispute in the capacity of the Secretary of the union. There is no evidence that this dispute was raised by Sri Rajbalabh Prasad in his individual capacity. On the other hand Ext. W-25 clearly shows that it was filed by Sri Rajbalabh Prasad, in his capacity of Secretary, Khan Mazdoor Congress.

19. The workmen have cited before me the case law reported in Indian Factories and Labour Reports, Vol. 17, page 57, Western Indian Match Company Ltd. and Western Indian Match Company worker's union and others. In that case their Lordships have held as under:—

"When the cause of an individual workman is taken up by the office-bearers of the Union the dispute must be held to be industrial dispute. The fact that the office-bearers of the union were not authorised by the general body by passing any resolution must be held to be irrelevant. It is not essential that such a resolution of the General body of members should be passed before the union executive could in the exercise of its normal powers decide whether the union should or should not espouse the cause of one of its members".

20. To sum up, I hold that the present dispute is an industrial dispute and not an individual dispute.

21. The case of the workmen is that they are innocent and yet they have been punished because they have displeased the employers by being active members of the Khan Mazdoor Congress, a union not liked by the Management and that it is a case of victimisation.

22. In the case of Purnamashi Chamar he was chargesheeted on the allegation that on 21st April, 1964 he was detected by the manager rebbing the pillar in

17½ level top section. The departmental enquiry in his case was conducted on 2nd May, 1964. In the case of the remaining six concerned workmen the charge was that on 4th May, 1964 at 5-30 P.M. They instigated the temporary wagon loaders from loading the wagons. In this case the departmental enquiry is said to have been taken place on 28th July, 1964.

23. The principles which govern the power of an industrial tribunal to interfere with the decision of the employer following of enquiry made by him were laid by the Supreme Court in *Indian Iron and Steel Co. Ltd. Vs. Their workmen* [1959(II) L.L.J., page 793]. In that case it was held that the tribunal does not however, act as a court of appeal and substitute its own judgement for that of the management. It will interfere: 1. when there has been want of good-faith; 2. when there is victimisation of unfair labour practice; 3. when the management has been guilty of a basic error or of violation of a principle of natural justice; and 4. when on the material before it, the finding of the management is completely baseless or perverse.

24. The tribunal's powers have been stated by the Supreme Court in a large number of cases and it has been ruled that the tribunal can interfere if the conduct of the employer shows lack of bonafides or victimisation of employee or unfair labour practice. The tribunal may also interfere when there is a basic error on the point of fact or a perverse finding, but it cannot substitute its own appraisal of the evidence for that of the officer conducting the domestic enquiry though it may interfere where the principles of natural justice or fair play have not been followed or where the enquiry is so perverted in its procedure as to amount to no enquiry at all. If the tribunal came to the conclusion that the termination was a colorable exercise of the power or was result of victimisation or unfair labour practice it would have the jurisdiction to intervene and set aside such termination.

25. In *Meenglass Tea Estates Vs. its workmen* [1963(II) L.L.J., page 392] Hidayatullah, J., stressed that the enquiry should be held by unbiased persons. In the case of *Associated Cement Companies Ltd. Vs. their workmen* [1963(II) L.L.J., page 396] Gajendragadkar, J. emphasised the requirements of holding enquiries honestly and bonafide so as to assure that these enquiries do not become empty formalities. The requirement that the enquiry should be held by unbiased officer was also reiterated.

26. With this background let us examine the case of respective parties. It transpires that in Pure Kustore Colliery there is one union known as Worker's Union of Pure Kustore Colliery of which Sri B. N. Giri is the Branch Secretary. This union is backed by the management and it is also the recognised union. The other union is the Khan Mazdoor Congress Union of which Sri Rajbalabh Prasad is the Branch Secretary. This union is not liked by the management. According to this union the worker's union of which Sri B. N. Giri is the branch secretary is a mere pocket union of the management. There is rivalry between these two unions viz. worker's union of Pure Kustore Colliery and the Khan Mazdoor Congress Union. There are cases and counter cases between these unions. The case of the workmen is that since they are the members of the Khan Mazdoor Congress union, the management has dismissed the concerned workmen by way of victimisation. In a case reported in 1963(II) L.L.J., page 429, *Ananda Bazar Patrika (Private) Ltd., and their employees* it was held by their Lordship of the Supreme Court that though industrial adjudication can and must protect industrial employees from victimisation, a finding as to malafides or victimisation should be drawn only where the evidence has been led to justify it: such a finding should not be made either in a casual manner or light-heartedly.

27. Victimisation in ordinary English means that a person has been unjustly dealt with. Let us see if the union has proved the charge of victimisation against them by the management. Several documents have been filed on behalf of the workmen to show that there were a series of cases between the two rival unions viz. worker's union of Pure Kustore Colliery and the Khan Mazdoor Congress. In these cases the management took side of Workers union and the attitude of the management towards the Khan Mazdoor Congress was hostile.

28. On the 10th of January, 1964 Sri B. N. Giri, Secretary, Worker's union, Pure Kustore Colliery made a station diary entry No. 213 dated 10th January, 1964, in which he complained that the workman mentioned in serial No. 2, Mukhu Ahir, workman mentioned in serial No. 4, Yamuna Bhar, workman mentioned in serial No. 5, Paltan Bhar and workman mentioned in serial No. 7 Haru Dhari

were creating breach of peace. On the aforesaid station diary entry the police made an enquiry and came to the conclusion that the allegation made by Sri B. N. Giri was false and there was no apprehension of breach of peace and that Sri B. N. Giri be prosecuted for lodging a false report [vide Ext. W 1].

29. Another station diary entry No. 564 dated the 24th of January, 1964 was made by Sri B. N. Giri, Secretary of Pure Kustore Colliery worker's union stating that some of the concerned workmen along with others were creating breach of peace and it appears that on this report a proceeding under section 107 Cr. P. C. against Rajbalabh Prasad, Secretary, Khan Mazdoor Congress Union and Mukhu Ahir, workman mentioned in serial No. 2, Haru Dhari, workman mentioned in serial No. 7 and others was instituted being M. P. case No. 71 of 1964 [vide Ext. W-2]. Ext. W-3 is the judgement in M. P. case No. 71 of 1964 dated 31st January, 1966. In that case Sri B. N. Giri of Pure Kustore Colliery worker's union failed to substantiate the case against the concerned workmen with the result that some of the concerned workmen along with others were discharged. These documents have been filed in order to show that in the case between Sri B. N. Giri, Secretary, Pure Kustore Colliery worker's union and Sri Rajbalabh Prasad, Secretary, Khan Mazdoor Congress Union, the management was siding with the secretary, Pure Kustore Colliery worker's union.

30. In this case the departmental enquiry was held on 2nd May, 1964 and on 28th July, 1964. The case of the union is that immediately before the departmental enquiry, the Khan Mazdoor Congress had filed several petitions before the Regional Labour Commissioner, complaining against the unfair labour practice in Pure Kustore Colliery, arbitrary stoppage of work of miners of Pure Kustore Colliery, none payment of bonus for the quarter ending June and September, 1963, none payment of pushing, lead and lift in No. 2 and 4 pit of Pure Kustore Colliery, to the workmen by the management and none payment of wages according to Coal Board Award etc. [Ext. W-5(A) to W-5(E)] and in those cases the Regional Labour Commissioner fixed 29th April 1964 and 30th April, 1964 for holding investigation. It was submitted on behalf of the workmen that they were chargesheeted immediately after the Khan Mazdoor Congress made complaints to the Regional Labour Commissioner.

31. There was a 107 Cr. P. C. proceeding for the same occurrence dated 4th May, 1964 being M. P. case No. 287 of 1964. In that case Mukhu Ahir, workman mentioned in serial No. 2, Foudar Teli, workman mentioned in serial No. 3, Yamuna Bhar workman mentioned in serial No. 4 and Haro Dhari, workman mentioned in serial No. 7 were parties. In the aforesaid M. P. case No. 287 of 1964 Sri Rajbalabh Prasad and some of the workmen were bound down by the trial magistrate. But in the appeal they were discharged by the learned Sessions Judge (vide Ext. W-6).

32. It is to be noted that in the aforesaid M. P. case No. 287 of 1964 the management was taking the side of the worker's union of Pure Kustore Colliery. The case of Rajbalabh Prasad and the concerned workmen in the aforesaid M. P. case No. 287 of 1964 was that the aforesaid 107 Cr. P. C. proceeding was started on account of the fact that Sri R. B. Prasad filed application before the conciliation officer against illegal and arbitrary stoppage of work of the wagon loaders of the colliery by the management (Ext. W-9).

33. There was another 107 Cr. P. C. proceeding being M. P. case No. 329 of 1964. On 25th May 1964 a petition was filed on behalf of Sri R. B. Prasad against B. N. Giri, Secretary of the worker's union, Sri B. K. Mukherjee, Labour Welfare Officer and others (vide Ext. W-10). The aforesaid Ext. W-10 shows that during the relevant time a 107 Cr. P. C. proceeding was pending between Sri R. B. Prasad first party against Sri B. N. Giri, Secretary, Worker's Union and B. K. Mukherjee, Labour Welfare Officer of Pure Kustore Colliery and others second party. It has been submitted before me that in that 107 Cr. P. C. proceeding the management was backing the worker's union.

34. The manager, Pure Kustore Colliery had also filed a case being case No. C. P. 159 of 1964 against Mukhu Ahir workman mentioned in serial No. 2, Foudar Teli, workman mentioned in serial No. 4 and Haro Dhari, workman mentioned in serial No. 7. Ext. W-14 is the certified copy of the complaint made by Sri G. D. Patra, manager dated 24th July, 1964 before the S. D. O., Dhanbad. Ext. W-15 is the police report in that case and Ext. W-16 is the certified copy of the order dated 13th June, 1966. In that case the learned magistrate discharged the concerned workmen mentioned in serial Nos. 2, 3, 4, and 7. Ext. W-14, 15 and 16

have been filed on behalf of the workmen in order to show that the management had even filed criminal case against some of the concerned workmen viz., workmen mentioned in serial Nos. 2, 3, 4 and 7. The aforesaid exts. go to show that the management was on inimical term with some of the concerned workmen. On these grounds it has been submitted on behalf of the workmen before me that the management cooked up false cases against the concerned workmen and that the dismissal was on account of victimisation. The documents filed on behalf of the workmen lend support to the allegation of the workmen.

35. In this case the enquiry was conducted by MW-1 Sri B. K. Mukherjee, the Chief Personnel officer. It is now well settled that the enquiry officer who is called upon to try issues in judicial or quasi-judicial proceedings must be able to act judicially; and it is of the essence of the judicial decision and judicial administration that judges should be able to act impartially, objectively and without bias. Where a person, who discharges a quasi-judicial function, has by its conduct shown that he is interested or appears to be interested, in either of the parties, that will disentitle him from acting in that capacity. This is because justice must not only be rendered but must also appear to be rendered. If from the record of the domestic enquiry, it is patent that there was a likelihood of bias in the person who conducted the enquiry, the enquiry would be vitiate.

36. In the instant case I find that Sri B. K. Mukherjee, Chief Personnel Officer was the enquiring officer, in the departmental proceeding. Ext. M-19 is the enquiry report made by Sri B. K. Mukherjee in the case of Purnamash Chamar and Ext. M-22 is the enquiry report made by Sri B. K. Mukherjee in the case of the other six concerned workmen. Ext. W-23 is the statement dated 11-3-64 of Rajbalabh Prasad Secretary, Khan Mazdoor Congress before the officer-in-charge, Kenduadih Police Station regarding apprehension of serious danger of life and property from the persons named in petition and one of the persons named in that petition was Sri B. K. Mukherjee, Labour Officer who conducted the enquiry. On 25-4-64 Sri Rajbalabh Prasad filed a petition before the S.D.O. for taking action under section 107 Cr. P.C. against persons named in the petition and one of the persons named was Sri B. K. Mukherjee, Labour Officer, who conducted the enquiry (vide Ext. W-1). In the M. P. case No. 71 of 1964 between Sri B. N. Giri, Branch Secretary first party Vs. Rajbalabh Prasad and some of the concerned workmen second party. Sri B. K. Mukherjee appeared as a witness on behalf of Sri B. H. Giri against the concerned workmen (vide Ext. W-4).

37. Ext. W-8 is the notification of reference No. 61 of 1966 dated the 22nd of March, 1966. This reference was in respect to the stoppage of work from the 4th of May, 1964 by the Pure Kustore Colliery of eleven workmen mentioned in the order of reference. Ext. W-17 is the award in the aforesaid reference. The learned Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad held that the stoppage of work of the workmen mentioned in the order of reference from the 4th of May, 1964 was not justified and the learned Presiding Officer further held that the effected workmen are entitled to their wages, emoluments and other benefits with effect from 4th of May, 1964. In that reference Sri B. K. Mukherjee, appeared as a witness on behalf of the management and before the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad he stated that on 4-5-64 he had no wagon to provide to the effected workmen who were casual wagon loaders. From his statement it appears that he had personal knowledge of the occurrence dated 4-5-64 (vide Ext. W-13).

38. There was a 107 Cr. P.C. proceeding between Shri B. N. Giri Vs. Shri Rajbalabh Prasad and some of the concerned workmen viz. workmen mentioned in serial Nos. 2, 3, 4 and 7 being M. P. case No. 287 of 1964. Ext W-12 is the statement of Kesho Singh in that case. His statement shows that Sri B. K. Mukherjee was looking after the case on behalf of Sri B.N. Giri.

39. The aforesaid documents go to show that Sri B. K. Mukherjee, the Enquiring Officer appeared as a witness in M. P. case No. 71 of 1964 (vide ext. W-4) and that he also appeared as a witness in reference No. 127 before the Central Government Industrial Tribunal No. 2, Dhanbad on behalf of the management for the occurrence dated 4-5-64 (vide ext. W-13).

40. Therefore, from the record of the domestic enquiry it is patent that there was a likelihood of bias in the person who conducted the enquiry and as such the enquiry was vitiated. The manner in which the enquiry was conducted could hardly be said to have ensured fair play which the rules of natural justice require. Therefore, I hold that in this case the enquiry was conducted by an enquiring officer who has biased and as such the enquiry was vitiated.

41. The case of the workmen is that the charges are fabricated and have been cooked up and that they were dismissed on account of victimisation.

42. Ext. M-1 is the chargesheet dated 22-4-64 issued to Purnamashi Chamar. Charge against Sri Purnamashi Chamar was that on 21-4-64 during first shift duty he had been caught red handed by the manager while he was robbing pillar in 17½ level top section. Ext. M-2 is the reply to the chargesheet by Sri Purnamashi Chamar. In the reply to the chargesheet he denied the charge and stated that this charge was issued against him by way of victimisation. Ext. M-3 is the notice of enquiry. It is stated in the notice of enquiry that the enquiry will be held by the Labour Welfare Officer on 2-5-64 at 5 P.M. It is stated in the letter of dismissal (Ext. M-4) that the charge against him has been proved and he was dismissed from service with effect from 14th May, 1964. MW-1 Shri B.K. Mukherjee has stated in his evidence that the morning shift starts from 9 A.M. for the miners and that the miners go down in the pit within 15 to 20 minutes and sometimes will be spent in going to the working places. He has further stated that a miner can cut one ton of coal within four hours. Ext. M-23 is the raising register and the entries in this register also corroborated the testimony of MW-1. Ext. M-23 shows that an average a miner cuts one tub of coal i.e. about one ton of coal in one shift. Ext. M-19 is the enquiry report of Sri B. K. Mukherjee in the case of Purnamashi Chamar and Ext. M-20 is the deposition of the witness during enquiry proceeding. Before the enquiring proceeding Sri G.D. Patra, manager stated that he along with Surveyor Sri K. P. Ghosal went down underground of No. 4 pit at about 10 A.M. and during the inspection he found that the concerned workman Sri Purnamashi Chamar had dislodged about 1½ tubs of coal i.e. 1½ ton coal from restricted area by robbing pillar. It was submitted before me that it was not possible by Purnamashi Chamar to dislodge about one and a half ton of coal within less than one hour. From this it was argued before me that whole case of robbing was a fabricated one.

43. The manager, Sri G.D. Patra was further stated that he went underground with the surveyor Sri K. P. Ghosal. Sri K. P. Ghosal has been examined before me and is MW-3. Ext. W-20 is the attendance register showing attendance on 21-4-64. This is a statutory register maintained under section 48 of Mines Act read with Rule No. 78 of the Mines Rules. Ext. W-20, the attendance register, does not show that on 21-4-64 Sri K. P. Ghosal also went underground. Therefore, his statement before the enquiring officer that he went underground on 21-4-64 was not correct.

44. In the departmental enquiry against Mukhu Ahir and five others, the charge was that on 4-5-64 at about 5-30 P.M. they had instigated temporary wagon loaders who had no work on 4-5-64 to obstruct the permanent wagon loaders, who were loading the wagon. Ext. M-6 to M-11 are the chargesheets dated 5-5-64 issued against the concerned six workmen. Ext. M-13 is the joint reply to the chargesheets. In reply to the chargesheet they stated that the charge was baseless and false and have been intentionally fabricated for victimising them on account of their trade union activities. Ext. M-14 is the notice of enquiry. The enquiry was to be held by the Labour Officer on 28-7-64 at 5-30 P.M. Ext. M-22 contains the statement of the management's witnesses during enquiry and the enquiry report. The statement of management witnesses during that Sri Hargobind Sonpal, was last but one witness. From the enquiry report it appears that Sri Sonpal was the last witness. Therefore, from the enquiry proceeding it appears that Sri Sonpal was last but one witness or the last witness. Hargobind Sonpal has been examined and he is MW-2. He has stated in his evidence that he was a witness against the six concerned workmen mentioned in serial No. 2 to 7 in the order of reference. He further stated that in the enquiry against the six workmen mentioned in serial Nos. 2 to 7, he was present in the enquiry for two hours i.e. from 5 P.M. to 7 P.M. and that during that period no other witness was examined in his presence and he left the office at 7 P.M. According to the concerned workmen they had attended the enquiry but in that enquiry they were simply asked to put their thumb impression on certain written papers to which they declined and on this point WW-2 Haro Dhari has also put his oath. The statement of MW-2 Hargobind Sonpal before me also supports the case of the workmen.

45. The evidence disclosed above goes to show that the case of the concerned workmen was not heard in a judicial spirit and in accordance with the principles of natural justice. The enquiry therefore, was not fair and proper.

46. I therefore, hold that the action of the management of Pure Kustore Colliery in dismissing the workmen mentioned in the order of reference with

effect from the date mentioned against their respective names amounted to victimisation and their dismissal by the management was not justified and consequently the effected workmen are entitled to be reinstated with full back wages from the date of their dismissal up to the date of their reinstatement along with continuity of service.

47. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.
[No. 2/134/66-LRII.]

New Delhi, the 7th April 1969

S.O. 1376.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of S.C. Rungta Colliery, Post Office Rungta Colliery, District Shahdol (Madhya Pradesh) and their workmen, which was received by the Central Government on the 26th March, 1969.

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

The 15th March 1969.

PRESENT:

Shri G. C. Agarwa'a—*Presiding Officer.*

CASE REF. No. CGIT/LC(R) (41)/1968.

PARTIES:

Employers in relation to S.C. Rungta Colliery, Post Office Rungta Colliery, District Shahdol (M.P.)

Versus:

Their workmen represented through the Rungta Colliery Mazdoor Sangh, P.O. Rungta Colliery (Via Burhar), Distt. Shahdol (M.P.).

APPEARANCES:

For employers—Sri M. S. Chandrasekhar, Labour Welfare Officer.

For workmen—Sri B. P. Sharma for the Union.

INDUSTRY: Coal Mine.

DISTRICT: Shahdol (M.P.)

AWARD

On the basis of an agreement under Sec. 10(2) of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by notification No. 8/31/67-LRII dated 2nd July, 1968, referred the following matter of dispute as stated in the schedule to the order of reference for adjudication by this Tribunal:

Matter of Dispute

In view of the provisions contained in the Payment of Bonus Act, 1965 (21 of 1965) whether the workers of Messrs Rungta Colliery, Burhar (Madhya Pradesh) are entitled for bonus for the years 1966 and 1967.

2. Both the management of M/s Rungta Colliery and the workmen represented by Rungta Colliery Mazdoor Sangh filed the statement of claims. When the hearing commenced on 16th October, 1968, the Advocate of the management, Sri D.N. Pathak, contended that an application had been moved by the management to the Central Government under Sec. 10(5) I.D. Act for impleading the Coal Mining Industry and workers of the collieries as parties to the reference because the question involved is of general importance for the entire industry. The hearing was, therefore, adjourned but ultimately on the next date which was 20th November, 1968 the learned Advocate intimated that the request had been turned down and argued the case in part. He vehemently urged that the provisions of Payment of Bonus Act were ultra vires of the Constitution. When pointed out to him that the question of constitutionality to the enactment should better be determined by a higher forum, namely, the High Court or the Supreme

Court and that such an argument would not be available to him as the reference had been made under Sec. 10(2) I.D. Act, he took time to file a writ petition in the Hon'ble High Court and the case was adjourned. It was ultimately intimated that it was not considered feasible to file a writ petition at this stage. He proceeded with his further arguments on the adjourned date of hearing which was 15th March, 1969.

3 The constitutionality of the Payment of Bonus Act has been vehemently attacked by the learned Counsel and reasons thereto are enumerated in paragraphs 7 to 10 of the written statement which may be reproduced:—

"7(a) Section 10 of the Bonus Act imposes statutory liability upon an employer to pay minimum bonus to its employees. This minimum bonus is payable irrespective of the fact whether or not there is profit in the establishment.

(b) It is submitted that this section 10 of the Act is void and illegal in its application to the Coal Mining Industry because it violates Articles 14, 19 and 31 of the constitution.

(c) The constitutionality of section 10 of the Act has been upheld by the Supreme Court generally holding that it is not violative of Article 14 [Jalan Trading Co. AIR 67(SC)691]. In this case, it was observed by the Supreme Court (para 27) that unless the enactment failed to satisfy the dual test of (i) intelligible classification and (ii) Rationality of the relation with the object of the law, it will not be subject to interference under Article 14 of the Constitution.

(d) Applying the above tests laid down by the Supreme Court in so far as the Coal Industry is concerned, it will be apparent that the dual tests are not satisfied in the Jalan Trading Company case, the vires of Section 10 in its application to the peculiar and special position of coal mining industry, was not considered and as such it is open to determination. There is no industry in India, other than Coal Mining, which is statutorily required to pay bonus to its employees. The primary object in paying bonus to the employees is to make them a share holder in the surplus profit of the concern. In coal mining industry it has been done by the payment of Bonus under Act of 1948

8. The Colliery asserts that section 10 of the Act is unconstitutional also because it is violative of Art 19 of the Constitution in as much as it places unreasonable restrictions on the right of the Colliery to carry out its business. These restrictions are not for the public good. The minimum wages for ordinary worker fixed in Coal Industry is Rs. 5.25 per day. This wage at least is nearer to lower limit of living wage and is highest in the country. With such high wages and bonus payable under Act of 1948, in addition further payment of bonus under Act of 1965 would certainly amount to unreasonable restrictions.

9. Section 32 of the Bonus Act, saves certain classes of industries from the operation of Bonus Act, 1965. The workers employed in industries set out under classes from (i) to (xi) of Section 32 of the Act are excluded from the benefits of the Act. There is apparently no basis for their exclusion. This section is discriminatory and violates the provisions of Article 14 of the Constitution. As a particular case, the colliery submits that by Clause (x) of the Section 32 of the Act, the National Coal Development Corporation, is excluded from the operation of the Act except to the extent covered by section 20. This is huge corporation engaged in the business of Coal Mining. The workers employed by it get the same wages as the workers of private collieries.

10. The provisions of Section 10 and 32 of the Act form an integral part of the whole Act and are not separable without making the Act totally unworkable. Thus the entire Act is void and invalid and the colliery is not obliged to pay bonus under the Act."

It has been urged on behalf of the management that this tribunal is competent to go into the question of constitutionality of the Act and it is not necessary that the subject should be left open to be determined by the High Court or the Supreme Court. It is needless to go into the question whether the tribunal has power or not. Suffice shall it be to state that the question being one of general importance for the entire industry, it is expedient that the same should

be determined by the higher courts and not by this tribunal which is established under Sec 7A of the Industrial Disputes Act for determination of disputes only relating to matters specified in the 2nd and 3rd Schedules. The tribunal, therefore, has a limited jurisdiction and is not a fullfledged Court. The High Court has power of superintendence over all courts and tribunals under Art. 227, but under Art. 228 the High Court can withdraw a case from a court subordinate to it and not from the Tribunal, when it involves a constitutional question. It is, therefore, evident that constitutional questions have been left essentially to be determined by the High Court and since tribunals have a limited jurisdiction, the question of constitutionality or vires of an enactment will be beyond the competence of the tribunal.

Apart from this, the wordings of the reference clearly indicate that the adjudication has to be confined taking the provisions contained in the Payment of Bonus Act as *intra vires*. It is specifically stated that "in view of the provisions contained in the Payment of Bonus Act, 1965 whether the workers of M/s. Rungta Colliery are entitled to bonus for the years 1966 and 1967". In other words, it is accepted that the Payment of Bonus Act is a valid one and under the provisions of the said Act, the question has to be examined about the entitlement of the workers. Having entered into an agreement with the workers on the question under Sec. 10(2) for this reference as expressed, it is not open to the management now to challenge the constitutionality of the Act. The management contended in paragraph 3 of the written statement that under Sec. 1(3) of the Act, the Act has been made applicable (a) to every factory and (b) to every other establishment in which 20 or more persons are employed on any day during an accounting year." It was argued that since the factory has been stated specifically and not mine which has been treated as a distinct class under the Mines Act as factory under the Factories Act, it should be presumed that mines have been excluded from the operation of the the Act. The argument is clearly untenable. The word "establishment" has been used in a broad sense so as to include all sorts of establishment including mine. The qualifying word "other" before establishment is significant so as to denote that factory is also an establishment. When factory is an establishment *pari passu* mine would also be an establishment. Establishment as such has not been defined in the Payment of Bonus Act and under Sec.2(15) and (16) establishment in private sector and establishment in public sector have been defined. Evidently, the expression has been used in its widest connotation so as to include any place of business. Establishment is a far wider term and has a special legal connotation and meaning. Under Sec.2(22) of the Payment of Bonus Act words and expressions used but not defined shall have the same meanings as defined in the Industrial Disputes Act. The Industrial Disputes Act has not defined establishment as such for the entire Act in the definition section 2, but Sec. 25A has, however, an explanation defining industrial establishment so as to include a factory mine and plantation. Obviously, a mine is an establishment and the argument that mines have been excluded from the operation is clearly untenable.

For coal mines, it was contended that there is already a Coal Mines Provident Fund and Bonus Scheme Act, 1948 and therefore saving Sec. 35, had been incorporated in the Payment of Bonus Act. It was further argued that the Coal Mines Provident Fund and Bonus Scheme Act having been a special Act, the general Act, namely, Payment of Bonus Act, would be ineffective and the special provision would prevail. This argument is based on some misunderstanding. The saving section reserves right to claim a bonus under the Coal Mines Provident Fund and Bonus Scheme Act and does not exclude the operation of the Payment of Bonus Act in respect of coal mines. Payment of bonus under the Payment of Bonus Act will be in addition to what the workers are entitled under the Coal Mines Provident Fund and Bonus Scheme Act. This is evident from the report of the Bonus Commission Paragraph 54 (for coal industry) and paragraph 55 (for mining industry in general) of the summary will make the position clear. These are as under:—

"54 It has to be borne in mind that profit bonus is also paid in industries which have incentive bonus scheme; and merely because in the Coal Industry there is a statutory bonus scheme linked to attendance as part of the wage structure, it is not a valid reason why the workmen should not, as in the case of other industries, be allowed to participate in the prosperity of the industry. We may, however, mention that Coal is a very labour intensive industry and the price

of coal is controlled. Some rough calculations made by us give ground for the belief that if the general bonus formula were applied to the coal mining industry, the workers would probably get only minimum bonus in a large majority of cases. It might also wonspire that in the case of this industry which has never paid profit bonus, the payment of minimum bonus may necessitate some though not an appreciable increase in the price of coal. If the payment of a minimum bonus necessitates a rise, we think that it would be preferable to the discontent that might be caused by singling out this industry for excluding the workers in it from the benefits of a profit bonus scheme. It has to be borne in mind that coal mining is one of the most strenuous of occupations. We have, therefore, come to the conclusion that our general bonus formula should apply also to the coal industry.

55. What we have said about the application of our bonus formula to the coal mining industry applies to the mining industry generally."

The Wage Board for the Coal Mining Industry in its report Chapter 15 page 146 recognised the fact that the Bonus payable under the Coal Mines Provident Fund and Bonus Scheme Act was in the nature of attendance bonus and that workers would be entitled to payment of additional bonus under the Bonus Act, 1965. The selling price of the coal was also raised on that assumption. The argument, therefore, that Sec. 35 excludes the operation of the payment of bonus under the Coal Mines Provident Fund and Bonus Scheme Act was clearly untenable. As a matter of fact, it operates the other way.

The colliery has not claimed any exemption under Sec.16(1) of the Payment of Bonus Act, nor is this colliery an establishment to which Sec. 32 applies, nor the colliery has been exempted by the appropriate Government under Sec. 36. That being so, the colliery has to pay bonus for the years in question under the Payment of Bonus Act.

The terms of reference confined the question as to the entitlement of the workers for the payment of bonus for the years in question, namely, 1966 and 1967. The reference has not specified as to the amount of bonus payable to workers in the years in question if found entitled. It is not an incidental matter which can be covered and determined under Sec.10(4) of I.D. Act. I have, therefore, to content myself by answering the reference that the workers of M/s. S. C. Rungta Colliery, Burhar, are entitled to bonus for the years 1966 and 1967 in view of the provisions contained in the Payment of Bonus Act 1965 (21 of 1965). The reference is decided accordingly. No order for costs.

The 15th March 1969.

(Sd.) G. C. AGARWALA,
Presiding Officer,

[No. 8/31/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 2nd April 1969

S.O. 1377.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Sakhi Chand Koiri C/o Kalyanpur Mazdoor Panchayat, At and P. O. Banjari (Shahabad), which was received by the Central Government on the 24th March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD

In the matter of a complaint under section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No 9 OF 1968

PARTIES :

Shri Sakhi Chand Koiri, C/o. Kalyanpur Mazdoor Panchayat, At and P. O. Banjari (Shahabad).—*Complainant.*

Vs.

The Management of M/s. Kalyanpur Lime and Cement Works Ltd., At and P. O. Banjari, District Shahabad.—*Opp. Party.*

PRESENT :

Shri Kamla Sahai, Presiding Officer.

APPEARANCES :

For the Complainant.—S/Shri Kesha Shastri, Deokinandan Prasad, President and Secretary, Kalyanpur Mazdoor Panchayat, Banjari.

For the Opp. Party.—S/Shri Ranen Roy, President, Traders and Manufacturers Association, Bihar and V. K. Srivastava.

STATE: Bihar.

INDUSTRY: Lime and Cement.

Patna, the 7th March, 1969

AWARD

This complaint has been filed by Shri Sakhi Chand Koiri under section 33A of the Industrial Disputes Act, 1947.

2. It appears that reference No. 64 of 1968 was made to this Tribunal on the 2nd August, 1968 in connection with the dismissal of one Shri Ramdeo Singh for misconduct under clause 29 of the Company's certified Standing Orders. I disposed of that reference on the 30th November, 1968. In the meantime, a charge sheet was served upon the complainant, Sakhi Chand Koiri, another workman for misconduct under clause 29 of the standing orders. The management passed an order on the 16th October, 1968, whereby Sakhi Chand Koiri was punished with suspension from 18th September, 1968 to 17th October, 1968 without wages. There can thus be no doubt that Shri Sakhi Chand was chargesheeted and punished during the pendency of reference No. 64 of 1968.

3. Shri Ranen Roy, who has appeared on behalf of the management, has however, raised a preliminary objection on the ground that Shri Sakhi Chand Koiri was not a workman connected with the dispute which was in question in reference No. 64 of 1968. His argument is that, since it was not necessary for the management to file an application for approval of the punishment by the Tribunal under section 33(2)(b), this application under section 33A is not maintainable. On the other hand, Shri Deokinandan Prasad, who has appeared on behalf of the union, has filed a written argument. I wished to get him to argue the case orally but, since he was in some difficulty, I have gone through the written argument. One point which he has taken in that argument is that Shri Sakhi Chand Koiri was connected with the dispute involved in reference No. 64 of 1968 because both he and Ramdeo Singh were charged with misconduct under clause 29 of the standing orders. One clause may provide for punishment of several kinds of misconduct and the mere fact that all those cases of misconduct are punishable under clause 29 cannot make them offences of one kind. In any case, Ramdeo Singh was alleged to have committed some misconduct, the nature of which is not before me in this case. It is impossible for me to say that Shri Sakhi Chand Koiri was also connected with that dispute.

4. Shri Deokinandan Prasad has relied upon the decision of the Supreme Court in *New India Motors (Private) Ltd. Vs. Morris (K. T.)*, reported in 1960(1)I.L.J. 551. Their Lordship have considered and decided in that case which workmen can be said to be workman concerned in a previous dispute.

They have not gone beyond that. A passage from that decision has been quoted in the written argument which is as follows:—

"It is plain that by enacting S. 33 the legislature wanted to ensure a fair and satisfactory enquiry of the industrial dispute undisturbed by any action on the part of the employer or the employee which would create fresh cause for disharmony between them. During the pendency of an industrial dispute *status quo* should be maintained and no further element of discord should be introduced."

5. Their Lordship have no doubt made this general remark but the question which has first to be considered is whether section 33(2) (b) or Section 33A has any application in this case. Shri Sakhi Chand Kotri may have certainly been concerned in the case of Ramdeo Singh but, as I have already said, it has not been shown to me that he was connected with the dispute involved in that case. That being so, sub-section (2) of section 33 applies in this case. Sub-section (2) of section 33 runs as follows:

"During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such disputes (or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman),—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding;

or

(b) for any misconduct not connected with the dispute, discharge or punish whether by dismissal or otherwise, that workman."

6. It is obvious that I have nothing to do with sub-clause (a) so far as this case is concerned. The management has been given power under clause (b) to punish with dismissal or otherwise any workman in accordance with the standing orders applicable to the workman even though he was a workman concerned in the previous case. As elucidated by the Supreme Court in several cases, the management must take three actions together if it proposes to dismiss or discharge a workman. It has to pay him one month's wages and file an application before the Tribunal for approval of the punishment in the course of the same transaction in which the order of dismissal is passed. The use of the words 'discharge or dismiss' in the proviso makes it clear that the proviso cannot apply unless the order passed by the management is one of discharge or dismissal. The words are so plain that no authority is needed but I may mention that Shri Ranen Roy has relied upon the decision of the Supreme Court in *Strawboard Manufacturing Company Vs. Gobind*, reported in 1962(I)L.L.J. 420 at 424.

7. Since the order in question in this case is not of dismissal or discharge the management was not required to file an application for approval under the proviso to section 33(2)(b) of the Industrial Disputes Act. The complaint under section 33A must, therefore, be held to be non-maintainable. My award therefore, is that this complaint is not maintainable. Let it be submitted before the Central Government.

(Sd.) KAMLA SAHAI,
Presiding Officer.

[No. 36/14/68-LRI.]

ORDER

New Delhi, the 5th April 1969

S.O. 1378.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Central Government Industrial Tribunal, Jabalpur;

And whereas the Rajasthan Bank Employees Union representing the workman in the said dispute have requested for a transfer of the dispute to the Industrial Tribunal, Jaipur on the ground that Jaipur will be nearer to the workman concerned;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (1) of section 33B, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as the Presiding Officer, with headquarters at Jaipur, withdraws the proceedings in relation to the said dispute from the Central Government Industrial Tribunal, Jabalpur and transfers the same to the said Industrial Tribunal, Jaipur for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Parties to the dispute	Order No. and date	S. O. No. of Gazette and year of publication
1	2	3	4
1.	Bank of Baroda Limited and Their workmen.	23/72/68/LR.III dated 12-11-1968.	4151/68

[No. 23/72/68/LR.III.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 1st April 1969

S.O. 1379.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Rajasthan for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A—SCHEDULE

All Properties in the State of Rajasthan which have been allotted to the share of the Custodian in Partition or have vested in Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 31st December, 1968 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer

[No. 22(13)/Comp. & Prop/61.]

A. G. VASWANI,

Settlement Commissioner & Ex-Officio, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 31st March 1969

S.O. 1380.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government after consultation with the Central Board of Film Censors, hereby appoints Smt. Ammu

Swaminathan as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/3/68-F(C).]

H. B. KANSAL, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 31 मार्च 1969

एस० ओ० 1381.—चलचित्र अधिनियम, 1952 की धारा 5(1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उप-नियम 2 के साथ पठित नियम 8 के उपनियम (3) द्वारा दिए गये अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करके एतद्वारा श्रीमती अम्मू स्वामिनाथन को अभी से उक्त बोर्ड के मद्रास सलाहकार मण्डल की सदस्या नियुक्त की है।

[फाइल संख्या 11/3/68—एफ० सी०]

हरि बाबू कंसल, अवसर सचिव।

आदेश

नई दिल्ली, 12 मार्च, 1969

एस० ओ० 1382.—भारत सरकार के सूचना और प्रसारण मंत्रालय के आदेश संख्या एस० ओ० 3792, तारीख 2 दिसम्बर, 1966 की प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियमनों के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा इसके साथ लगी अनुसूची के कालम में 2 में दी गई फिल्मों को उनके सभी भारतीय भाषाओं के रूपान्तरों सहित जिनका विवरण प्रत्येक के सामने उक्त सूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि०मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है, या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैन्ट्री फिल्म है
(1)	(2)	(3)	(4)	(5)	(6)
(1)	भारतीय समाचार समीक्षा संख्या 1065	270.04 मीटर	फिल्म प्रभाग, भारत सरकार, 24-पेडर रोड, बम्बई-26	समाचार और सामयिक घटनाओं की फिल्म।	

(1)	(2)	(3)	(4)	(5)	(6)
(2)	इट्स ए स्माल वर्ल्ड	381.00 मीटर	फिल्म प्रभाग, भारत सरकार, 24-पैडर रोड, बम्बई-26		डाकुमेंट्री फिल्म
(3)	नीलगिरि	465.00 मीटर	-तदैव-		-तदैव-
(4)	बी रोड टू लेह	324.00 मीटर	-तदैव-		-तदैव-
(5)	एक्सपीडीशन आफ फेथ	344.42 मीटर	-तदैव-		-तदैव-
(6)	हरियाणा (रंगीन)	426.00 मीटर	-तदैव-		-तदैव-
(7)	ए जरनी	594.34 मीटर	-तदैव-		-तदैव-
(8)	केयास (रंगीन)	276.15 मीटर	-तदैव-		शिक्षा सम्बन्धी फिल्म
(9)	वेस्टिड मैनपावर	335.28 मीटर	हुआङ फिल्मस, नाना भाई मेशन, सर पी० एम० रोड, बम्बई-1		-तदैव-

[फा० संख्या 24/1/69-एफ० पी० परिशिष्ट 1335.]

नई दिल्ली, 31 मार्च 1969

एस० प्रो० 1383—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्मों को उनके सभी भाषाओं के रूपान्तरों सहित जिनका विवरण प्रत्येक के सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37 वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेण्ट्री फिल्म है।
(1)	(2)	(3)	(4)	(5)	
1.	आता आकाश ठेंगेने बाटते	475.17 मीटर	प्रचार निदेशक, महाराष्ट्र सरकार, फिल्म सेंटर, 68 तारवेव रोड, बम्बई-34	डाकुमेण्ट्री फिल्म (केवल महाराष्ट्र सकिट के लिए)	
2	आजचा हाच कानमन्त	146.30 मीटर	तदैव	शिक्षा सम्बन्धी फिल्म केवल महाराष्ट्र सकिट के लिए)	

[फा० संख्या 24/1/69—एफ पी परिशिष्ट 1341]

बानू राम अग्रवाल, अव्वर सचिव।

ORDER

New Delhi, the 31st March 1969

S.O. 1384.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1.	Aata Akash Thengana Watata (Marathi)	475.17	M	Director of Publicity, Govt. of Maharashtra, Film Centre, 68, Tardeo Road, Bombay-34.	Documentary film (for release in Maharashtra Circuit).
2.	Aajcha Haach Kanmantra	146.30	M	Director of Publicity, Govt. of Maharashtra, Film Centre, 68, Tardeo Road, Bombay-34.	Film intended for educational purposes (For release in Maharashtra Circuit only).

[No. F. 24/1/69-FP.App.1341.]

BANU RAM AGGARWAL, Under Secy.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 26th March 1969

S.O. 1385.—In exercise of the powers conferred by sub-section (1) of section 72 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby directs that so long as the Board of Wakfs constituted for the former State of Punjab continue to function and operate as an inter-state body corporate in the areas in respect of which it was functioning and operating immediately before the 1st November, 1966, the powers of the "State Government" under sub-section (3) of section 4 and sub-section (1) of section 5 of the Wakf Act, 1954 (29 of 1954), shall be exercisable by the Central Government.

[No. 6(1)/69-Wakf.]

New Delhi, the 28th March 1969

S.O. 1386.—In exercise of the powers conferred by Sub-Section (1) of Section 72 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby directs that so long as the Board of Wakfs constituted for the former State of Punjab continues to function and operate as an inter-state body corporate in the areas in respect of which it was functioning and operating immediately before the 1st November, 1966, the powers of the State Government under Section 63 of the Wakf Act, 1954 (29 of 1954), shall be exercisable by the Central Government.

[No. 12(13)/68-Waqf.]

S. G. RASOOL,

Officer on Special Duty (Wakfs.)

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 26 मार्च 1969

एस० ओ० 1387.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा

निदेश करती है कि जब तक पूर्ववर्ती पंजाब राज्य के लिए गठित वक्फ बोर्ड अपने उन क्षेत्रों के लिए अन्तःराजीय निगमित निकाय के रूप में कार्यरत है, जिनके लिए वह 1 नवम्बर, 1966 से तत्पूर्व कार्य कर रहा था, धारा 4 की उपधारा (3) और वक्फ अधिनियम, 1954 (1954 का 29) की धारा 5 की उपधारा (1) के अन्तर्गत "राज्य सरकार" की शक्तियाँ केन्द्रीय सरकार के द्वारा प्रयोक्तव्य होंगी।

[सं० 6(1)/69-वक्फ]

नई दिल्ली, 28 मार्च, 1969

एस० ओ० 1388.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा निदेश करती है जब तक पूर्ववर्ती पंजाब राज्य के लिए गठित वक्फ बोर्ड अपने उन क्षेत्रों के लिए अन्तःराजीय निगमित निकाय के रूप में कार्यरत है, जिनके लिए वह 1 नवम्बर, 1966 से तत्पूर्व कार्य कर रहा था, वक्फ अधिनियम, 1954 (1954 का 29) की धारा 63 के अन्तर्गत राज्य सरकार की शक्तियाँ केन्द्रीय सरकार के द्वारा प्रयोक्तव्य होंगी।

[सं० 12 (13)/68-वक्फ]

एस० जी० रसूल,

विशेष कार्य अधिकारी (वक्फ)।

(Legislative Department)

New Delhi, the 28th March 1969

S.O. 1389.—In exercise of the powers conferred by sub-section (1) of section 9 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955), and in continuation of the notification of the Government of India in the Ministry of Law (Legislative Department) No. 11(7)/68-Waqf, dated the 28th March, 1968, the Central Government, in consultation with the Durgah Committee, Ajmer, hereby appoints Mir Mustafa Ali Khan Saheb, as Nazim, Durgah Khawaja Saheb, Ajmer, for a further period of one year with effect from the 29th March, 1969.

[No. 11/9/69-Waqf.]

New Delhi, the 31st March 1969

S.O. 1390.—In exercise of the powers conferred by sub-section (1) of section 4 of the Wakf Act, 1954 (29 of 1954) read with the notification of the Government of India in the Ministry of Education, No. 6(5)/66-Wakf, dated the 23rd December, 1966, issued under sub-section (1) of section 72 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Law (Legislative Department) No. 6(5)/66-Waqf, dated the 19th July, 1967, namely :—

In the said notification, for the figures, letters and words "31st March, 1969 or till the survey work is completed, whichever is earlier" the figures letters and words "30th June, 1969 or till the survey work is completed, whichever is earlier" shall be substituted.

[No. 6(2)/68-Waqf.]

S.O. 1391.—In exercise of the powers conferred by sub-section (1) of section 21 of the Wakf Act, 1954 (29 of 1954), read with the notification of the Government of India in the Ministry of Law (Legislative Department) No. 4(3)/67-Wakf, dated the 19th July, 1967, issued under sub-section (1) of section 72 of the Punjab Reorganisation Act, 1966 (31 of 1966), and after consulting the Punjab Wakf Board,

the Central Government hereby extends the term of appointment of Shri M. Mohibulla, I.A.S. (Retired) as Secretary to the Punjab Wakf Board for a further period of three months upto and inclusive of the 30th June, 1969, on the terms and conditions as laid down in the erstwhile Punjab Government's Memo No. 38(1)-3J/64, dated the 4th July, 1964.

[No. F. 4(3)/67-Waqf.]

E. VENKATESWARAN, Dy. Secy.

(विधायी विभाग)

नई दिल्ली, 28 मार्च 1969.

ए० प्रो० 1392.—दरगाह ख्वाजा साहब अधिनियम, 1955 (1955 का 36) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार विधि मंत्रालय (विधायी विभाग) की अधिसूचना संख्या 11(7)/68—वक्फ, तारीख 28 मार्च, 1968 को चालू रखते हुए, केन्द्रीय सरकार, दरगाह समिति, अजमेर के परामर्श से, एतद्वारा मीर मुस्तफा अली खां साहब को 29 मार्च, 1969 से एक वर्ष की कालावधि के लिए नाज़िम दरगाह ख्वाजा साहब अजमेर के रूप में नियुक्त करती है।

[सं० 11/9/69-वक्फ]

नई दिल्ली, 31 मार्च, 1969.

ए० प्रो० 1393.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उपधारा (1) के अधीन निकाली गई भारत सरकार, शिक्षा मंत्रालय की अधिसूचना संख्या 6(5)/66—वक्फ तारीख 23 दिसम्बर 1966 के साथ पठित वक्फ अधिनियम, 1954 (1954 का 29) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार, विधि मंत्रालय (विधायी विभाग) की अधिसूचना सं० 6(5)/66—वक्फ, तारीख 19 जुलाई, 1967 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में अंको, अक्षरों और शब्दों "31 मार्च, 1969 या जब तक सर्वेक्षण कार्य समाप्त हो, जो भी पूर्वतर हो" के स्थान पर अंक, अक्षर और शब्द "30 जून, 1969 या जब तक सर्वेक्षण कार्य समाप्त हो, जो भी पूर्वतर हो" प्रस्थापित किए जायेंगे।

[सं० 6(2)/68-वक्फ.]

एस० प्रो० 1394.—भारत सरकार के विधि मंत्रालय (विधायी विभाग) की पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उपधारा (1) के अधीन निकाली गई अधिसूचना सं० (43)/67—वक्फ, तारीख 19 जुलाई, 1967 के साथ पठित वक्फ अधिनियम, 1954 (1954 का 29) की धारा 21 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा पंजाब वक्फ बोर्ड के परामर्श के बाद केन्द्रीय सरकार एतद्वारा श्री एम० मोहिबुल्ला, प्रा० प्र० से० (अवकाश प्राप्त) की पंजाब वक्फ बोर्ड के सचिव के रूप में नियुक्ति की अवधि तत्कालीन पंजाब सरकार के शासन सं० 38(1)-3 जे/64 तारीख 4 जुलाई, 1964 में यथा-अधिकृत निबन्धनों और शर्तों पर तीन महीने की कालावधि के लिये 30 जून, 1969 को सम्मिलित करते हुए विस्तारित करती है।

[सं० फा० 4(3)/67-वक्फ]

ई० वेंकटेश्वरन, उ०-सचिव।

